

Bosnia Peace Process

BOSNIA PEACE PROCESS

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON
EUROPEAN AFFAIRS

OF THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

SEPTEMBER 10 AND OCTOBER 1, 1996

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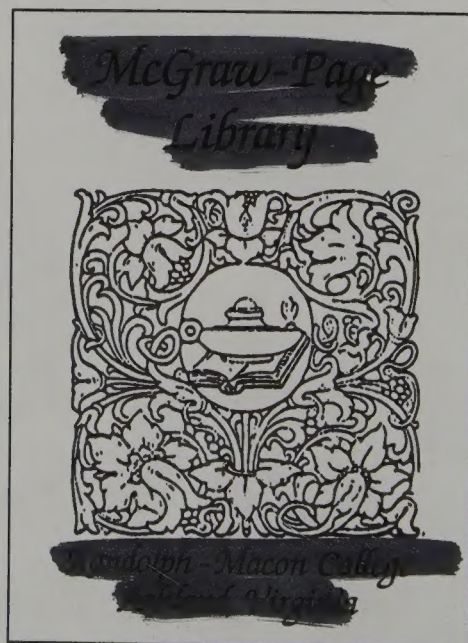
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BOSNIA PEACE PROCESS

TUESDAY, SEPTEMBER 10, 1996

U.S. SENATE,
SUBCOMMITTEE ON EUROPEAN AFFAIRS
OF THE COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:30 a.m., in SD-419, Dirksen Senate Office Building, Hon. Richard Lugar (chairman of the subcommittee) presiding.

Present: Senators Lugar, Snowe, Thomas, Grams, Pell, Biden, Feingold, and Feinstein.

Senator LUGAR. This hearing of the European Affairs Subcommittee of the Senate Foreign Relations Committee will come to order.

This morning we have a hearing on developments in Bosnia. The hearing was originally scheduled in July. It was intended then as a mid-year review of the Dayton Accords. The hearing has been rescheduled and it comes, in my judgment, at a timely moment.

I appreciate everyone's willingness, especially the witnesses', to adjust their schedules in order to testify today.

We are now nearly 9 months into the deployment of the NATO-led peace implementation force —IFOR—in Bosnia. This is, therefore, a useful time to assess how well the United States and the international community, including NATO, the United Nations, the OSCE, the EU, and other nations, as well as the regional parties, have been doing in implementing the Dayton Accords.

Today's hearing is, I believe, the first formal hearing in the Senate to assess the overall progress in implementing the Dayton Accords with the military and the civilian missions.

There have been many congressional briefings over the past 9 months but no formal public hearings here in the Senate. Some 20,000 United States Armed Forces personnel have been participating in the NATO-led peacekeeping force in Bosnia-Herzegovina and the region. That alone should compel high level dialog in Bosnia with Congress and the American people.

In the absence of periodic congressional hearings, we have had to rely heavily on media accounts and reports of nongovernmental and international organizations to determine the progress in implementing the Dayton Agreement.

We will be hearing today more of these accounts. Reports from Bosnia paint a very mixed picture. Most of these accounts have focused on priority areas involving the elections, the 1-year IFOR deployment, the status of war criminals, and the strategy for reconstruction in Bosnia and how progress in each of these critical areas

affects achievement of the overall goal of building a lasting peace in Bosnia and the Balkans.

These accounts generally give glowing praise for the NATO-led IFOR military mission of separating the ethnic forces, enforcing the cease-fire, and policing and monitoring the lines of separation between and among those forces. That these tasks have been accomplished over the past 9 months with minimal casualties is testimony to the professionalism of the United States forces, to the quality of the NATO alliance, and to the success of the military mission thus far.

Whether or not IFOR will be successful in creating conditions for the parties themselves to construct lasting peace now remains to be seen.

I hope today's testimony will shed light on what the administration believes the mission of IFOR forces should be during the remaining days of the election campaign and on election day itself. This is especially important in light of a near-universal judgment that the international police force that has had the responsibility for law and order has been ineffective and generally unhelpful.

Now, despite the well deserved praise for IFOR, the public accounts report deeply worrisome trends in carrying out the non-military goals outlined in Dayton. I cite a column written by former Secretary of State Henry Kissinger in the "Washington Post" of last Sunday that summarizes briefly concerns that have been expressed generally to this committee.

Secretary Kissinger says:

The looming crisis has four components. The political provisions of the Dayton Accords require free elections, a unified Bosnia-Herzegovina, free movement within Bosnia, and the right of refugees to return to their homes. None of these goals is achievable without massive use of force.

Second, at the same time, by establishing cease-fire lines patrolled by NATO, the military provisions of the agreement have the practical consequence of protecting ethnic enclaves and, therefore, are an obstacle to the proclaimed goal of unification.

Third, normally elections presuppose the existence of a country. In Bosnia, elections are projected to create a country from among three deeply hostile ethnic groups. Not surprisingly, each of these groups is manipulating the electoral process not to encourage pluralism but to unify itself for a showdown with a hated neighbor.

Fourth, amid this turmoil, the President's stated policy remains that U.S. troops will be withdrawn by December 29. The other NATO nations have declared that they will follow suit. If these contradictions are not remedied before the scheduled American withdrawal, Bosnia is likely to blow up again.

That is the end of the quote from Secretary Kissinger.

While other accounts point to the weaknesses and the seemingly limited appeal of multiethnic and nonnationalist parties so evident in the Mostar vote on June 30, some have complained about road-blocks, harassment across ethnic lines, the presence of indicted and UN indicted war criminals, and the poorly prioritized assistance programs in carrying out the civilian side. These are all charges that we should explore today.

We have structured today's hearing to hear testimony from both the administration and public witnesses. The first panel includes senior representatives from the State Department and the Defense Department who are central players in policy formulation, but who also are on the operational front lines in implementing the Dayton Accords. We will hear from this distinguished panel first.

The second panel includes witnesses from five organizations which have been directly involved in assistance programs in Bosnia before and after the signing in Dayton. I am eager to hear, likewise, from this panel and hope the subcommittee will receive honest judgments from both panels on the successes and failures, strengths and weaknesses of what we should do in Bosnia.

I will ask Senator Biden, the distinguished ranking member, for his opening statement when he appears. He has business at the Judiciary Committee at this moment. My understanding is that Senator Pell likewise will attend the committee and I am delighted that Senator Feingold is here.

Senator Feingold, would you please give an opening greeting if you have one.

Senator FEINGOLD. Thank you, Mr. Chairman. I am very happy you are holding this hearing at this time and I regret that our busy Senate calendar prevented us from holding it several months ago when it was originally scheduled.

I do have a brief statement because this is an issue that I have a great deal of concern about, as does the Chair.

The elections are scheduled to be held in Bosnia on Saturday, which is 4 days from now. Unfortunately, I am skeptical about their chance of bringing about a lasting peace in the region and, with regard to the whole Dayton process, I still feel the same skepticism that I felt nearly a year ago.

As many in this chamber will recall, I was one of the few members of Congress, and actually the only Democrat, to vote against the deployment of U.S. troops in Bosnia to support the Dayton Accords. I said then, and I reiterate today, that I doubted the value of a heavy U.S. investment in this region. I felt then, and I still feel today, the administration promises to have U.S. troops out of the region within a year's time were unrealistic and would not be kept. I questioned then and I still question today whether or not the Dayton plan would truly level the playing field between the Serbs and the Muslims.

I hope during the questioning period later to be able to pursue that a bit, although I know there has been some activity recently that has been touched on. But for me, I am still not being convinced, that is, that the playing field in terms of arms would be adequately level to provide the possibility of lasting peace.

I recognize that the Dayton Accords and the IFOR deployment to enforce them has not been without some real benefit. We can all be grateful that people are no longer dying en masse in Bosnia. U.S. troops, in conjunction with troops from other countries, should be applauded for having largely succeeded in enforcing the military aspects of the agreement.

In addition, many of the peacekeeping tasks delegated to IFOR troops also have been completed, including overseeing the transfer of territory, the demobilization of troops, and the storage of heavy weapons.

Mr. Chairman, other signs continue to be disturbing and are causing me to be even more skeptical that we will see successful elections this weekend. For one, the former warring factions do not appear to have altered their fundamental strategy.

I share the fear expressed in testimony before Congress and in numerous press accounts that, after investing more than \$3 billion in the Bosnia peace process, elections will bring us back to where we started—a region full of hostile, ethnically divided factions facing off at tenuous borders under unstable military, economic, and social conditions.

Second, Mr. Chairman, the elections themselves risk failure. Already, international mediators have had to postpone the local component of the poll because of widespread fraud. Looking at the situation from here, I am doubtful that we will be able to justify stamping our seal of approval on any part of this election.

Finally, given these problems, I am additionally concerned that the United States will actually be able to withdraw troops from IFOR in December, as the administration has stated, even if the mission clearly has not been successful.

I asked this question back in October, that is, October of 1995, because I had my doubts that the stated goal, ending the fighting and raising an infrastructure capable of supporting a durable peace, was actually doable within a 12 month timeframe. I foresaw a danger that conditions would remain so unsettled that it would then be argued that it would be folly and waste to withdraw on schedule, and I am afraid that is exactly what is about to occur. And that is what we will be discussing today.

Questions are posed as to whether IFOR should exit on schedule, claiming success, if the fundamental nation-building task of elections has not been completed.

We hear of pressure from Europeans for the United States to stay on in an undefined role and for an uncertain period of time. There is mounting speculation that IFOR and a U.S. troop commitment will be extended beyond the one year.

Finally, Mr. Chairman, let me say, clearly, that I am opposed to the continued deployment of U.S. ground forces in Bosnia after December 1996. I think the administration ought to hear the sage observation made by General Shalikashvili, who said that if the factions wanted peace, then a 1 year IFOR deployment was enough. An extended mission beyond that period will not change the intentions of the parties.

So, Mr. Chairman, I remain skeptical about the process and the American involvement in it. But I am pleased to have these witnesses here today and I do appreciate the generous time you gave me to make my statement, Mr. Chairman.

Senator LUGAR. Thank you, Senator Feingold.

I will ask now for the testimony of the administration panel. My understanding is that Secretary Kornblum will testify and that Mr. Longstreth will testify, and that others may testify or are here to support Mr. Kornblum.

Would you please proceed and then I will recognize Mr. Longstreth.

STATEMENT OF HON. JOHN C. KORNBLUM, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF STATE, BUREAU OF EUROPEAN AND CANADIAN AFFAIRS; ACCOMPANIED BY HON. WILLIAM MONTGOMERY, SPECIAL ADVISOR TO THE PRESIDENT AND SPECIAL ADVISOR TO THE SECRETARY OF STATE FOR BOSNIAN PEACE IMPLEMENTATION AND HON. JAMES PARDEW, SPECIAL COORDINATOR FOR INTERAGENCY OFFICE ON ARMING AND TRAINING, DEPARTMENT OF STATE

Ambassador KORNBLUM. Thank you, Senator.

Perhaps the procedure you have outlined is what we intend to do. I would just like to introduce Ambassador William Montgomery, who is the Special Coordinator for Bosnian Implementation, and Ambassador James Pardew, who is the Coordinator for Military Stabilization, both of whom are playing a key role in our implementation.

Senator, I have produced a written statement which goes into a number of the details, including some of the questions which you have raised. We have submitted the statement to you as a background to our discussion today.

I would just like to make a few opening comments and then continue the discussion any way you wish to take it.

Senator LUGAR. Fine. Your statement will be made a part of the record.

Ambassador KORNBLUM. Thank you.

You and Senator Feingold have, in fact, discussed a number of the questions which have come up and these are all legitimate questions. We spend a large amount of our time trying to focus exactly on the underlying problems of the process.

I would just like to make a couple of basic statements at the beginning.

First, we should remember that what the Dayton Agreement is, in essence, is a peace agreement. It is an agreement which ratified the end of a war which we had achieved, essentially, through American diplomacy in the months beforehand, and its main goal was to separate warring parties, to establish, again, conditions of normal life, and to move toward a longer term stability in the region.

A key word here is "restoration." After the bitter warfare that went on for nearly four years in Bosnia-Herzegovina, we did not expect that there would be immediate harmony and cooperation, let alone friendship among the parties.

I can tell you as a regular visitor to the region that the pain, the resentment, the anger over the war are there, and that the goal of restoration, of a process of restoration, is one which we need to keep in mind.

The Dayton Agreement is also, in many ways, a strategic innovation. There is, as far as we are concerned, no true difference between the military and the civilian implementation. It is an integrated process in which the United States, both before the peace negotiation and afterward, has used a careful, and I would argue judicious, use of military force, which includes the NATO bombing in August and September of last year as part of this strategy, of presence on the ground, of economic reconstruction aid, and of a very active diplomacy to take what was, unfortunately, the most

tragic example of the new sorts of crises that we're finding in the world and to use an integrated approach to deal with the problem.

So from that point of view, it has implications which go beyond the Bosnia peace itself. I would note only the fact that the role of NATO in this crisis has helped to define very much how an alliance and how military forces can be used in such unfortunate situations.

We have about 16,000 troops in the region. Mr. Longstreth will go into this in much more detail. They have played an essential role in the civilian implementation as well as in the original military separation, and they have been an integrated part of our effort and of the effort of the international community.

As a process of restoration, we have gone through a number of steps, beginning with the military separation back in December, already. These steps have been carefully calculated. Many of them have been achieved almost without hitch. Some of them I will say, from the beginning, such as the return of refugees and displaced persons, have not proceeded according to plan. There are a number of reasons for that, not all of them having to do with the recalcitrance of the parties, although that is also a part of the process. Some of it has to do, for example, with the slowness in rehabilitating housing and the slowness in getting the civilian structures set up.

But the progress in the plan led to a decision to hold the elections and has led now to the election day, which, as you said, is this Saturday.

Here it is important to note that the elections are not the end of the process. The process was not set up to focus on, in this case, September 14 as the final day of restoration of normal conditions and reconciliation.

Much more, the elections were set up after a great deal of consideration by the negotiators as a push to the process, as an effort to establish a common ground, a legitimacy, for the next, very difficult, stage of the process. The next stage will be to establish joint institutions and it is one which we are all working on quite actively right now.

As you probably know, I go to the region very often. Two weeks ago, I met with all of the opposition leaders on the Serbia side in the Republika Srpska. I have met with virtually all of the opposition leaders in the federation area, and I have not met one person who does not want these elections to go forward, even though they understand that there is probably overwhelming strength on the part of the traditional, large parties.

Even those persons who represent the smallest groups argue to us that until there is an internationally recognized basis for political life in that country, they will have no platform from which to operate.

And so, I believe that the elections are going to be difficult. I think that they will come off relatively successfully. I am sure there will be criticism of many parts of them, but I think that you will find that, unless there are major problems, which will always be possible, you will find that across the broad spectrum in Bosnia the leaders will urge us, then, to move on to the next step, which is setting up the joint institutions.

I will conclude only by noting that this is, in fact, a question of commitment. It is a question of commitment of our country to the principles that it believes in, the support of peace. It is a commitment of our country to insuring that there is a stable and democratic future for all parts of the European continent, not just the central core Western European countries with whom we have worked so well over the years. And I think it is a commitment that there is an understanding on the administration's part that without efforts to make sure that our vision of what the world, and in this case particularly of what Europe should be like, that we cannot expect that our relationships, either here at home or with these core allies, will be undisturbed. This is because a crisis such as Bosnia—and there are other possible ones in Europe and in other parts of the world—does put in question the whole future vision of a truly democratic and free Europe that we all have.

This is a commitment of political will and of resources. But it is not necessarily an open ended military commitment. The military forces are there for a very specific reason. But I can assure you, as the person who spends the most amount of time on the non-military aspects, that we have a long, a detailed, and also a quite, I would at least argue, rational vision of how we can be committed there in other fields.

I think, I hope that as we have our discussion today, we can discuss the various aspects of this commitment because I think it is an examination of this aspect which will answer the questions that both of you have put of whether the Dayton process can be viable or not. Thank you.

[The prepared statement of Ambassador Kornblum follows:]

PREPARED STATEMENT OF JOHN C. KORNBLUM

Mr. Chairman, thank you for this opportunity to appear before the Committee and discuss the current situation in Bosnia and our work throughout the former Yugoslavia.

As you know, the United States led the effort to put an end to years of bloody conflict in Bosnia. The peace talks that led to the Dayton Accords were only the most visible example of that leadership. Both before and after Dayton, we have been steadfast in our determination to assist in building a just and lasting peace in Bosnia and to throughout the former Yugoslavia.

That is why 16,000 American men and women are in Bosnia as part of the NATO-led Implementation Force. That is why thousands of individual American civilians are leading the efforts to hold democratic elections; to assist the return of refugees; to establish open media; to restore the rule of law; and to investigate war crimes. And, that is why we have contributed so generously to the international effort to rebuild Bosnia's shattered infrastructure.

While we are rightfully proud of the pivotal role the United States has played in bringing peace to Bosnia, we have not made such a substantial investment of resources for simply altruistic motives. Our involvement in the Balkans is the result of a clear-eyed analysis of our national interests and priorities.

The breakup of the former Yugoslavia which led to the Bosnian conflict posed a significant threat to European stability and, thus, our own security. Had the fighting spilled over the borders of the former Yugoslavia it could have easily involved our NATO allies as well as other countries in the region. Failing to act decisively in the Balkans could have gravely damaged the credibility of the Alliance, the very cornerstone of our national security.

In addition, the virus of intolerance and ethnic hatred which has stricken the former Yugoslavia could easily have spread to the fragile new democracies of central and eastern Europe.

Finally, an unshakable commitment to human rights has long been a key pillar of U.S. foreign policy. Indeed, it is this commitment that sets us apart and enhances our credibility around the world, particularly in central and eastern Europe. The

egregious abuses of human rights and the desperate humanitarian situation in Bosnia during the war were intolerable and demanded action if we were to maintain that credibility.

I am pleased to report that today the U.S. enjoys unrivaled prestige and influence throughout Europe and the rest of the world, in large part as a result of our leading role in bringing peace to the Balkans. Our experience in leading the Dayton process has clearly demonstrated that only America can marshal the military, diplomatic and economic power necessary to forge consensus on seemingly intractable problems like Bosnia.

Europe, and therefore the United States, is unquestionably more secure as a result of our efforts at Dayton. While some had questioned our commitment to and involvement in Europe, today there is no doubt that the United States is the pre-eminent European power and stands to reap the benefits of that position.

When I accompanied Secretary Christopher to Europe last week, I saw firsthand the strong position the United States enjoys throughout the continent. Our longtime allies are eager to work with us on a wide range of issues to renew and reinvigorate the Transatlantic partnership. The fledgling democracies of central Europe, emerging from a half century of communism, having seen the benefits of U.S. partnership are less tempted to seek extreme solutions to the problems they face.

Likewise, where only a year ago some were questioning the future of NATO, today the Alliance is without doubt the most powerful and effective military organization in the world.

That is not to say that there have been no problems. With Bosnian elections only four days away, we continue to grapple with the demons which have haunted Bosnia these past years. Distrust, intolerance, and violence, which grew as a generation of Bosnians was lost, will not disappear with the signing of a document or the issuing of statement. The effects of these demons are clear everytime we pick up a newspaper. They will not disappear overnight but the Bosnian people, with our assistance, must continue the work of rebuilding their once-vibrant society. Elections are the first step in this long rebuilding process.

These elections will not be perfect. There will be problems, and some of them will be serious. Some individuals may be elected who do not fully share our commitment to Dayton's ideals. Some voters may be subject to intimidation, there may be instances of fraud, there may be organizational or logistical difficulties.

That should not surprise anyone. After all, Bob Frowick and his outstanding OSCE team are organizing the most complex elections in history. National, entity and cantonal elections will all be held in a country that has been rent by the most bitter European conflict since the Second World War.

Some have said that these problems are so great that we should not even go through with elections. That Bosnia is somehow not ready for democracy. Those individuals have not heard the voice of the Bosnian people. In a recent USIA survey nine out of ten Bosnians, of all ethnic groups, said that they wanted elections to occur because they are an essential part of the rebuilding process and are a necessary precondition for democratic life.

So, yes, there will be problems. But, having met and talked with representatives of the Bosnian people; having made 14 trips to the region in the past 6 months; having met with the Dayton signatories over 20 times during the same period; having seen with my own eyes the preparations that are underway; I am confident that these elections, however imperfect, will reflect the will of the Bosnian people.

It is also important to remember that September 14 represents Bosnia's first tentative step toward a democratic society after decades of Communist rule and years of war. This process will continue and grow as elected officials begin to work with each other to form and run a common government. This was the centerpiece of their commitment at Dayton, a single state with a single national government. Then, in elections to be held two years hence, those same officials will have to stand for re-election.

The U.S. contribution to the election effort is impressive. Over 175 Americans are currently in Bosnia serving as election observers and supervisors. Sixty-six Americans are serving with the OSCE mission to Bosnia. The NATO Implementation Force, under its American commander, has done extraordinary work in providing a secure environment for elections to take place. The U.S. Embassy staff, who literally slept next to their desks throughout the worst of the conflict has continued its tireless work to help conduct the diplomatic work necessary to hold these elections.

I have listed a number of potential challenges to the elections process. One which I did not mention concerns the participation of indicted war criminals. I did not mention it because it is a possibility we absolutely will not accept. Such individuals will not be allowed to play any part in the election process. To that end, we demanded and received Radovan Karadzic's agreement to withdraw from public life.

He has largely complied with this agreement and we do not expect that he will pose a threat to the election process.

That said, however, let me assure you that we are not satisfied. The Peace Agreement is clear—indicted persons cannot be allowed a moment's rest until they answer the charges brought against them by the War Crimes Tribunal. The U.S. fought to establish the Tribunal, we have been its strongest supporter and we will not tolerate non-compliance on this point. Karadzic and Mladic must go.

In our eagerness to address the important problems that face us each day in Bosnia, we all too often miss the big picture, we overlook the real successes that have been achieved. Bosnia, today, is a far different, far more hopeful place than it was only a year ago.

One year ago, the U.S. peace initiative that culminated in Dayton, had only just begun. The international community was still reeling from the sack of Srebrenica and the murderous shelling of innocent civilians in a Sarajevo marketplace. NATO warplanes were engaged in the Alliance's most complex combat operation ever in an effort to ensure the removal of heavy weapons from Sarajevo.

And, we were still coming to grips with the loss of our dear friends and colleagues Bob Frasure, Joe Kruzel and Nelson Drew who lost their lives on a wet Bosnian mountainside while engaged in the search for peace.

Today, however, there is peace in Bosnia. Whatever the other problems in implementation, whatever the occasional challenges that may arise, let us never forget that crucial fact: Bosnia is at peace.

The children of Sarajevo can play in the city parks without listening for the whistle of a sniper's bullet. Couples can walk the streets of Old Town without fear of mortar shells.

Shops have opened, exiles are returning, Sarajevo has come back to life. Just last month, Secretary Christopher was able to see for himself the progress that has been made, strolling through the city's streets to an enthusiastic reception. Already, the brutal siege of Sarajevo is receding into history.

Throughout the country soldiers have been demobilized and are working to piece together their shattered communities. The international community has begun the arduous process of rebuilding Bosnia's wrecked infrastructure. This effort will demonstrate the benefits of peace to all Bosnia's people and make a return to bloodshed unthinkable. The U.S. will contribute almost \$600 million to this effort and the President has sent his special envoy, Richard Sklar, to Sarajevo to coordinate our efforts.

Militarily, the heavy weapons employed with such deadly force during the conflict have been placed in cantonments under strict NATO supervision. Ammunition dumps that are in violation of the Peace Agreement have been destroyed or seized. The process of removing the thousands of mines scattered about the country has begun.

We also succeeded in completing complex and contentious negotiations on an arms control agreement among Bosnia, Croatia, Serbia and Montenegro and the Bosnian Serbs. This important agreement, which many said could not be reached, will not only reduce arms but tensions as well. Just two weeks ago, Bosnian Serb officials inspected military sites in the Federation; something that would have been unthinkable only a short time ago. While significant compliance problems remain, we have already reduced the parties' ability to wage war and made a return to bloodshed that much more difficult.

The International Police Task Force is in place and through its training and monitoring programs is helping to reestablish the rule of law throughout the country. The return of refugees, an emotional and difficult issue, has gotten slowly underway and there is regular transit between the Federation and Republika Srpska.

The Bosnian Federation has made great strides. The Federation was born here in Washington and I have made its success a top priority. Through the Federation Forum, we have established monthly, high-level consultations. The Forum has led to a number of notable agreements that have strengthened the Federation and made it a viable pillar of the Dayton process. The Bosnian Croat mini-state of Herzeg-Bosna has been legally dissolved. Muslim and Croat militaries are being unified into a single structure. Muslim and Croat police are being integrated into a single force. Customs systems have been unified.

The passage of the Federation Defense law, providing for a single Federation military, helped pave the way for the initiation of our Train and Equip program. As Jim Pardew will discuss with you, this program, which the U.S. will coordinate, will ensure that there is a military equilibrium in Bosnia when IFOR withdraws. This is yet another step we are taking to ensure that the prospect of renewed conflict is unthinkable for both sides.

Let me say a special word about the Implementation Force and our troops who are on the ground in Bosnia. While my Defense Department colleagues will speak at greater length about the IFOR mission, I would just like to express my pride at the job our young men and women have done in Bosnia. IFOR has played a crucial role in ensuring Dayton compliance. It is not too much to say that peace would have been impossible without them.

To conclude, the long, difficult process of knitting Bosnia back together has begun. This weekend's elections will mark a milestone in that process. Four days from now, largely as a result of U.S. efforts, Bosnians of all ethnic groups will exercise the most basic right of a free people—they will vote. And, while individual, day-to-day developments may not always be what we would hope for, I am confident that we are building the foundation for a lasting peace in Bosnia. Of course, the success or failure of the Dayton process will ultimately depend on the parties themselves. If they want peace, if they fully implement the Dayton agreement, then there will be peace. From my extensive and continuing contacts with the parties, I am confident of their determination to make Dayton work.

I believe that we will be successful in Bosnia for several reasons. The first, and most important, is the fact that the people of Bosnia are profoundly tired of war. They have seen their country destroyed, their loved ones killed, their standard of living plummet. As the benefits of peace continue to become apparent, a return to war will be increasingly unthinkable.

Peace will survive in Bosnia because it makes sense. The Dayton process represents the only way in which these people, battered and broken, can rebuild their communities, provide for their children, live normal lives. Economically, the Bosnian entities cannot survive without one another. Whatever the rhetoric of the moment, I believe the leaders of Bosnia's ethnic groups understand this.

Finally, we will be successful because the United States is involved. Before Dayton, all of the parties individually stressed the importance of U.S. engagement and leadership. They made clear that the presence and support of the U.S. was what gave them the confidence to make the hard choices for peace. U.S. leadership has brought the parties this far, and will be necessary to complete the job of building a lasting peace. As I said before, only the parties can ensure a lasting peace, but we have a critical role to play as well.

I would be happy to answer any questions you might have.

Senator LUGAR. Thank you very much, Secretary Kornblum. Mr. Longstreth.

STATEMENT OF THOMAS K. LONGSTRETH, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR STRATEGY AND REQUIREMENTS, AND DIRECTOR, DEPARTMENT OF DEFENSE BOSNIA TASK FORCE

Mr. LONGSTRETH. Thank you, Mr. Chairman, for the invitation to appear before the subcommittee along with my colleagues here today. I have a prepared statement that I would like to submit for the record.

Senator LUGAR. It will be made a part of the record in full.

Mr. LONGSTRETH. Let me just briefly summarize some of my remarks on IFOR's accomplishments and IFOR support to, particularly, the elections before we proceed to discussion.

Last winter, some 33 NATO and non-NATO countries deployed over 50,000 highly trained, well armed and dedicated troops during harsh winter conditions into a country that had suffered the ravages of a prolonged and brutal conflict.

IFOR had a clear concept of operations, the equipment and training it needed, and robust rules of engagement to insure it could carry out its mission and, as a result, IFOR moved quickly and successfully to separate the formerly warring factions, establish the zones of separation and the interentity boundary line, insure freedom of movement for itself and other international organizations, oversee the military demobilization of the factions, and enforce

other aspects, military aspects, of the Dayton Agreement. To a great extent, Mr. Chairman, these tasks have been completed successfully and consistent with the timelines as stipulated by the Dayton Agreement.

Now, nearly nine months into IFOR's deployment, the overall progress and success of Operation Joint Endeavor continues to be very good. This is in large part due to the skill and dedication of the men and women not only of our own armed forces but of the other national forces deployed throughout Bosnia.

Simultaneously with carrying out its principal tasks, IFOR has provided a stabilizing presence and influence throughout the country and, contrary to the predictions of many, the cease-fire has held now for almost a year and no fighting has occurred between the parties since IFOR troops took up their positions.

This past spring, for example, peace replaced the military offensives that had characterized the past 4 years.

Much is left to be done. But Bosnia is slowly and steadily recovering from the horrors of war. People are back out on the streets, in shops, and in cafes, buildings and roads are being repaired, and new businesses are opening as the country begins to return to normal.

But, while we welcome such revitalization, we realize that many important tasks lie ahead.

Over the remaining months of its mandate, IFOR is going to continue to concentrate on its primary military mission of maintaining a safe and secure environment in Bosnia that allows the civilian aspects of the Dayton Agreement to proceed. The zone of separation will continue to be monitored and patrolled, the cease-fire enforced, and forces and heavy weapons of the factions will be kept in cantonment areas.

Operation Volcano, the recent destruction of over 250 tons of Bosnian Serb ammunition found in an unauthorized storage site, is an example of IFOR's determination to continue to enforce the military provisions of the Dayton Agreement. And as Secretary Perry told U.S. troops during the most recent visit he made to Bosnia on the Fourth of July, we must not become complacent now simply because things have gone so well, for the remaining months of the mission could easily be tougher than the preceding months.

Let me talk for just a moment, Mr. Chairman, about our support, IFOR's support for civilian implementation.

The principal basis for that support has been and continues to be the maintenance of a secure environment in which civil organizations can operate. However, within its capabilities and subject to the fulfillment of that primary mission, IFOR, over the past several months, has been able to increase its support for the implementation of the civilian aspects of the Dayton Agreement.

Through this support, IFOR is able to complement the work of numerous civilian agencies and organizations in Bosnia. IFOR has not taken over the process of civilian implementation but will continue to facilitate the efforts of the various civilian agencies which have the primary responsibility for this enormous task.

Such support is provided primarily through IFOR's CIMIC units, Civil-Military Cooperation units, which play an important role in this overall civilian implementation effort.

During Operation Joint Endeavor, NATO has deployed more than 400 civil affairs personnel, many of which are Americans, to support such organizations as the Office of the High Representative, Mr. Bildt's office, and the Organization for Security and Cooperation in Europe.

Let me turn for just a moment, Mr. Chairman, to IFOR support for the elections process.

Recognizing that the successful conduct of elections is essential to the long-term peace process in Bosnia-Herzegovina, earlier this year IFOR began working closely with the OSCE, which has principal responsibility for the elections in Bosnia to help organize that effort.

IFOR has also been working on a sustained and proactive basis with other international organizations, such as the International Police Task Force, the IPTF, and local Bosnian officials, to organize and synchronize specific elections projects and tasks in order to make the elections a success.

Since April, for example, IFOR has assigned over 60 CIMIC personnel to work full-time with the OSCE to help with the elections planning at OSCE's headquarters in Sarajevo and its regional and field offices.

IFOR elections planners and OSCE officials also recently formed what we call a Joint Elections Operations Center, staffed with an OSCE member as the director and an IFOR planner as the deputy director, to insure that during the final run-up to the elections, all requirements concerning the electoral process are acted upon in a timely and responsive manner.

IFOR has also assisted the OSCE in identifying and surveying over 4,400 polling stations throughout the country, distributing voter education materials and registration lists, providing communications support, providing awareness training and emergency medical support to OSCE personnel, providing access to IFOR flights, and assisting in voter education efforts through the use of IFOR's information campaign.

IFOR has also provided extensive planning and logistical assistance to elections supervisors and observer organizations. Such activities will continue through election day.

However, IFOR will not escort individual candidates or distribute partisan campaign literature due to its requirement to try to remain neutral throughout the elections process.

In addition to supporting the OSCE, IFOR is also working with the IPTF and local law enforcement officials to provide for voter security and freedom of movement on election day. It is important to note that security on election day will be a shared responsibility. The first and most important responsibility rests with the police forces of the entities themselves.

The second tier of security rests with the IPTF, which has done extensive security planning for election day and which will assist in monitoring local police forces. Then, finally, IFOR is the third tier. It will be relied upon to assure an overall foundation of security and to assist those other security bodies, as needed.

Part of this assistance involves IFOR continuing to provide a visible presence throughout Bosnia-Herzegovina and especially near polling places so as to deter any disgruntled individuals or

groups from taking actions disruptive to the elections process. Additionally, IFOR has increased its liaison and communications support to key IPTF police stations across Bosnia in order to heighten the overall security posture in the country.

Finally, IFOR and the IPTF have also established an election security operations center at the ARRC headquarters in Sarajevo, to monitor the security environment in Bosnia on election day and to respond to disruptions or other incidents. That center will be manned by representatives of all the major organizations and, most importantly, the entities themselves participating in the elections process.

On election day, IFOR will help promote freedom of movement through continued, close cooperation and liaison with the OSCE, other international organizations, and local Bosnian officials. IFOR, the OSCE, the IPTF, the Office of the High Representative, and the interior ministers of the entities have worked together to establish voter routes or planned transportation corridors that voters across Bosnia will utilize in concert with public bus transportation to get to the polling stations that require movement across the IEHL.

We believe that the use of such voter routes will not only facilitate freedom of movement for large numbers of Bosnians, but will also minimize the potential for violence on election day. Similar to their practice during the successful May municipal elections in Mostar, IFOR personnel will also be visible at key road intersections to keep traffic flowing and minimize potential confrontations between voters of different ethnic groups.

While NATO, the IPTF, and other responsible parties have stressed repeatedly to the parties that they and their indigenous police forces retain primary responsibility and accountability for civil order on election day, IFOR will be prepared to respond, as required, including the use of force, to threats to the peaceful conduct of elections. IFOR has the authority and the necessary rules of engagement to help prevent or halt violence on election day.

In conclusion, Mr. Chairman, the national elections on the fourteenth, four days from now, represent a new beginning for Bosnia in our collective view. As such, they are not the end of the rebuilding process, but a first and critical stage in that process. Since the beginning of Operation Joint Endeavor, IFOR has been working diligently and successfully to implement the military provisions of the Dayton Peace Agreement and thus create conditions conducive to the conduct of the Bosnian elections.

IFOR will continue to carry out its important work during and after the elections period through the end of its mandate in December, so as to continue the overall process of Dayton implementation and to solidify the peace in Bosnia-Herzegovina. Thank you, Mr. Chairman.

[The prepared statement of Mr. Longstreth follows:]

PREPARED STATEMENT OF THOMAS K. LONGSTRETH

INTRODUCTION

Mr. Chairman, thank you for the invitation to appear before the Subcommittee today along with Assistant Secretary Kornblum and Ambassador Pardew to discuss U.S. policy toward Bosnia, the ongoing implementation of the Dayton Peace Agreement and Operation Joint Endeavor.

LOOKING BACK

Four days from now, national elections will be held in Bosnia-Herzegovina, an event that would have seemed impossible only one year ago. In late summer 1995, peace in Bosnia was still elusive. Fighting between ethnic groups continued throughout the country. The United Nations Protection Force (UNPROFOR) was simply trying to hang on, helping to deliver humanitarian aid but unable to meet many of the other tasks given to it. NATO military planners were hard at work on an intricate, costly, and potentially very risky operational plan to evacuate UNPROFOR personnel from Bosnia. Indeed, NATO itself in the summer of 1995 faced one of the most significant internal crises in its history as a result of the ongoing conflict in the Balkans.

However, in August and September of 1995, in response to the fall of several UN-designated safe areas and continued Serb attacks on others, the United States and our allies took action. American-led NATO airstrikes struck effectively at numerous Bosnian Serb targets, forcefully demonstrating our resolve to halt further fighting. Aided by this use of force, and stemming from President Clinton's determination that the time had come for an aggressive effort to negotiate an end to the conflict, American-led diplomacy last fall sought a political settlement. After much work and under the skillful direction of Secretary of State Christopher and Ambassador Richard Holbrooke, negotiations resulted first in a cease-fire in October and then, in December, in the Dayton Peace Agreement. This agreement brought prolonged peace to Bosnia for the first time in nearly four years.

GIVING PEACE A CHANCE IN BOSNIA

Having led the process that produced the Dayton Peace Accords, the United States also has played a central role in the NATO-led Implementation Force (IFOR) that was formed to help enforce the military aspects of the Dayton Accords.

Last winter, some thirty-three NATO and non-NATO countries deployed over 50,000 highly trained, well-armed and dedicated troops, during harsh winter conditions, into a country that had suffered the ravages of a prolonged and brutal conflict. IFOR had a clear concept of operations, the equipment and training it needed and robust rules of engagement to ensure it could carry out its mission. As a result, IFOR moved quickly and successfully to separate the formerly warring factions, establish the Zones of Separation and the Inter-Entity Boundary Line (IEBL), ensure freedom of movement for itself and other international organizations, oversee the military demobilization of the formerly warring factions, and enforce other military aspects of the Dayton Agreement. To a great extent, these tasks have been completed successfully and consistent with the timelines stipulated by Dayton.

Now, nearly nine months into the IFOR deployment, the overall progress and success of Operation Joint Endeavor continues to be very good. This is in large part due to the skill and dedication of the men and women of the U.S. armed forces and other national forces deployed to Bosnia.

Simultaneously with carrying out its principal tasks, IFOR has provided a stabilizing presence and influence throughout the country. Contrary to the predictions of many, the cease-fire has held for almost a year and no fighting has occurred between the Parties since IFOR troops took up their positions. This past spring, peace replaced the military offensives of the last four years.

Much is left to be done, but Bosnia is slowly and steadily recovering from the horrors of war. People are back out in the streets, in shops and cafes, buildings and roads are being repaired, and new businesses are opening as the country begins to return to normal.

But while we welcome such a revitalization, many important tasks lie ahead. Over the remaining months of its mandate, IFOR will continue to concentrate on its primary military mission of maintaining a safe and secure environment in Bosnia that allows implementation of the civilian aspects of the Dayton Agreement to proceed. The Zone of Separation will continue to be monitored and patrolled, the cease-fire enforced, and forces and heavy weapons of the formerly warring factions will be kept in cantonment areas. Operation Volcano, the recent destruction of over 250 tons of Bosnian Serb ammunition found at an unauthorized storage site, is an example of IFOR's determination to continue to enforce the military provisions of the Dayton Agreement. As Secretary of Defense Perry told U.S. troops during his most recent visit to Bosnia on Independence Day, we must not become complacent now simply because things have gone so well, for the remaining months of the mission could easily be tougher than the preceding months.

IFOR SUPPORT TO CIVILIAN IMPLEMENTATION

The principal basis for IFOR's support to civilian implementation has been and continues to be the maintenance of a secure environment in which civil organizations can operate. However, within its capabilities and subject to the fulfillment of its primary military mission, IFOR has, over the past few months, been able to increase its support to the implementation of the civilian aspects of the Peace Agreement. Through this support, IFOR is able to complement the work of numerous civilian agencies and organizations in Bosnia. IFOR has not taken over the process of civilian implementation, but will continue to facilitate the efforts of the various international civilian agencies which have the primary responsibility for this enormous task. Such support is provided primarily through IFOR's Civilian-Military Cooperation (CIMIC) units, which plays an important role in the overall civilian implementation effort. During Operation Joint Endeavor, NATO has deployed more than four hundred Civil Affairs personnel to support such organizations as the Office of the High Representative and the Organization for Security and Cooperation in Europe (OSCE).

Projects that allow IFOR to better accomplish its primary military mission also often have incidents benefits for civilian reconstruction. One such example is the reconstruction of road and railroad networks in northeastern Bosnia necessary for IFOR's own operation and support, but also helpful to economic recovery and to improve cross-IEBL transportation links and freedom of movement. IFOR's assistance with the civil aspects of Dayton has been both important and compatible with IFOR's main mission, for it remains our firm belief that there can be no overall success in Bosnia without the success of the civilian effort.

To date, IFOR has helped support nearly three thousand civilian economic reconstruction projects, to include work on transportation, public works, and other civilian infrastructure tasks. IFOR's specific role in such projects usually includes identifying needs, assessing the actual projects, and coordinating with the larger international relief community on such matters as how to provide funding. Nor is the supporting work of CIMIC and IFOR confined solely to support for economic reconstruction. Another important area in which IFOR has been able to bring specific expertise and assistance to bear involves support to the OSCE in preparation for the Bosnian national elections.

IFOR SUPPORT FOR THE ELECTIONS

Recognizing that the successful conduct of elections is essential to the long-term peace process in Bosnia-Herzegovina, early this year IFOR began working closely with the OSCE, which has primary responsibility for the elections effort in Bosnia, to help organize that effort. IFOR has also been working on a sustained and proactive basis with other international organizations, such as the International Police Task Force (IPTF), and local Bosnian officials, to organize and synchronize specific elections projects and tasks in order to make the elections a success.

IFOR's principal contribution to the Bosnian national elections on September 14 will be to continue to provide for a safe and secure environment throughout the country. IFOR will also continue to assist the Parties themselves and other international organizations to ensure freedom of movement for civilian populations, to include refugees and displaced persons, on election day. IFOR is also assisting the elections process in other important ways.

Since April, IFOR has assigned over sixty CIMIC personnel to work full time with the OSCE to help with elections planning at OSCE's mission headquarters in Sarajevo and OSCE regional and field offices. IFOR elections planners and OSCE officials also recently formed a Joint Elections Operations Center, staffed with an OSCE member as the Director and an IFOR planner as the Deputy Director, to ensure that, during the final run up to the elections, all requirements concerning the electoral process are acted upon in a timely and responsive manner.

IFOR has also assisted the OSCE in: identifying and surveying over 4,400 polling stations throughout the country; distributing voter education materials and voter registration lists; providing communications support; mine awareness training, and emergency medical support to OSCE personnel; providing access to IFOR flights; and assisting in voter education efforts through the use of IFOR's Information Campaign, which has included the use of radio broadcasts, posters, and other media support. IFOR has also provided extensive planning and logistical assistance to elections supervisors and observer organizations. Such important activities will continue through election day. However, IFOR will not escort individual candidates or distribute partisan campaign literature due to its requirement to remain neutral during the elections process.

IFOR will also be increasing the level of its logistical assistance to the OSCE in the days immediately before and after the elections. IFOR will assist elections officials by transporting approximately 25 million ballot papers and other elections materials to polling places the day before the national elections. Following the elections, IFOR will transport ballots as required to official counting centers and will provide area security near such centers to prevent interference with the counting process. IFOR will also be prepared to assist in announcing elections results through the use of its Information Campaign.

In addition to supporting the OSCE, IFOR is also working with the IPTF and local law enforcement officials to provide for voter security and freedom of movement on election day. It is important to note that security on election day will be a shared responsibility. The first and most important responsibility rests with the police forces of the Entities themselves. Second, the IPTF, which has done extensive elections security planning, will assist and monitor local police forces. Finally, IFOR will be relied upon to assure an overall foundation of security and to assist these other security bodies, as needed.

Part of this assistance involves IFOR continuing to provide a visible presence throughout Bosnia-Herzegovina, and especially near polling places, so as to deter any disgruntled individuals or groups from taking actions disruptive to the elections process. Additionally, IFOR has increased its liaison and communications support to 24 key IPTF police stations across Bosnia in order to heighten the overall security posture in the country. Finally, IFOR and the IPTF have also established an Election Security Operations Center at the headquarters of the Allied Command Europe Rapid Reaction Corps in Sarajevo to monitor the security environment in Bosnia on election day and respond to disruptions or other incidents. The center will be manned by representatives of all the major organizations and Entities who are participating in the elections process.

Civilian Freedom of Movement (FOM) remains paramount to the success of the elections, and thus remains a key focus of Operation Joint Endeavor. IFOR has taken several steps since the spring to facilitate civilian freedom of movement, such as extending its patrolling throughout Bosnia-Herzegovina in a concentrated effort to eliminate illegal roadblocks and checkpoints. As already noted, it has also made substantial progress in improving the rather primitive transportation system in the country by making or supporting repairs roads, bridges and railroads.

On election day, IFOR will help promote freedom of movement through continued close liaison with the OSCE, other international organizations, and local Bosnian officials. IFOR, the OSCE, the IPTF, the Office of the High Representative, and the Interior Ministries of the Entities have worked together to establish "voter routes," or planned transportation corridors that voters across Bosnia will utilize, in concert with public bus transportation, to get to polling stations that require movement across the Inter-Entity Boundary Line. We believe that the use of such voter routes will not only facilitate freedom of movement for large numbers of Bosnians, but will also minimize the potential for violence on election day. Similar to their practice during the successful May municipal elections in Mostar, IFOR personnel will also be visible at key road intersections to keep traffic flowing and minimize potential confrontations between voters of different ethnic groups.

IFOR will be taking additional steps on September 14 to provide for a safe and secure environment throughout the country. One such step will be to increase its presence near polling stations in potential "hot spots," although IFOR will not guard individual polling stations or handle individual ballots. IFOR will also be prepared to fly OSCE officials and Entity representatives quickly to such hot spots, should a deteriorating situation dictate this course of action.

While NATO, the IPTF and other responsible authorities have stressed repeatedly to the Parties that they and their indigenous police retain primary responsibility and accountability for civil order on election day, IFOR will be prepared to respond as required, including the use of force, to threats to the peaceful conduct of elections. IFOR has the authority and the necessary rules of engagement to help prevent or halt violence on election day.

Of course, in the days following the elections, IFOR will continue to execute its primary military mission of providing for a safe and secure environment throughout Bosnia-Herzegovina. Such a secure environment will be especially important as the Bosnians begin the process of establishing constitutional institutions and installing their elected officials in office.

CONCLUSION

The national elections on September 14 represent a new beginning for Bosnia. As such, they are not the end of the rebuilding process but a first and critical stage in that process. Since the beginning of Operation Joint Endeavor, IFOR has been

working diligently and successfully to implement the military provisions of the Dayton Peace Agreement and thus create conditions conducive to the conduct of the Bosnian elections, IFOR will continue to carry out its important work during and after the elections period through the end of its mandate so as to continue the overall process of Dayton implementation and solidify the peace in Bosnia-Herzegovina.

Senator LUGAR. Thank you very much, Mr. Longstreth.

In a moment we will question the panel, but members have joined us while the panel has been testifying. Some members have opening statements.

So at this point I would like to ask each who have come in order.

Senator Pell, do you have an opening statement you would like to give?

Senator PELL. Yes, I do, Mr. Chairman, a short one.

Senator LUGAR. Please proceed.

Senator PELL. Thank you.

First, I want to thank you and congratulate you for holding this hearing. This hearing is billed as a review of the implementation of the Dayton Peace Agreement. With the elections in Bosnia just 4 days away, it would be tempting to focus on the preparations for, and mechanics of, those elections.

While I hope we have ample time for such discussion, I believe the members of our committee will also pause to take a longer view—to consider how where we are now in pushing forward toward a peaceful resolution to this conflict, as compared to where we were nine months or a year ago. The grizzly fall of Srebrenica and the horrible atrocities that accompanied it, took place just about a year ago. At that time, it seemed that the conflict would only escalate further.

A frustrated international community was drawing up plans to try to safely evacuate United Nations peacekeeping troops, hoping that the Bosnian Muslims would be able to defend themselves against the better armed Bosnian Serbs.

Relations with our allies were strained and the credibility of American leadership was questioned.

I believe the Clinton administration deserves great praise for reversing this course of events through skillful diplomacy and for bringing an end to the nearly 4 years of fighting.

The conclusion of the Dayton Peace Agreement remains a fine hour of American diplomacy. In a region where old hatreds die hard, the international community, under American leadership, has been able to restore a measure of peace. The warring parties have been separated, many of their arms decommissioned, and ethnic cleansing, for the greater part, halted. Life has returned to Bosnia. Families have been reunited. Cafes have sprouted up where battles once waged.

I know that I was a reluctant supporter of the United States role in IFOR. Why? Because I did not believe, given the long history of violent ethnic conflict in the Balkans, that American ground troops should be deployed anywhere in that region.

I have, therefore, been very pleased by the fact that IFOR has been able to perform an important role in Bosnia without incurring significant American casualties. I congratulate them on that.

Elections are the next step in the peace process and may well determine how enduring the current peace in Bosnia is. I am glad to have the opportunity to hear the questions that will be asked of the

administration because I do have concerns about our ability to insure freedom of movement and prevent voter intimidation on election day, as well as the fairness of the election campaign to date.

Under current conditions, with ultranationalist parties in all three ethnic communities seeming likely to win by large margins, I do question the wisdom of going forward with elections at this point. But I believe we have no alternative. I, therefore, thank our witnesses for joining us and would say that I support them and the administration in what you are doing.

Thank you.

Senator LUGAR. Thank you, Senator Pell. Senator Grams, do you have an opening statement?

Senator GRAMS. Yes, I do, Mr. Chairman. Thank you very much. I want to thank you, too, for your persistence in trying to hold this hearing which originally was scheduled before the Senate's August recess.

Now is a crucial time to review the Bosnian peace process for three reasons: No. 1, the controversial elections in Bosnia and Croatia will occur on September 14; No. 2, the original December deadline for withdrawing American troops from Bosnia is fast approaching; and, No. 3, many of the civilian aspects of the peace process seem to be woefully behind schedule.

Mr. Chairman, I am also particularly appreciative that you have invited Mr. Anthony Kozlowski, who is the President of the American Refugee Committee, the ARC, to testify on our second panel of witnesses today. The ARC is headquartered in my home State of Minnesota and has been on the ground in Bosnia since 1993, providing needed assistance to refugees.

Mr. Kozlowski has 25 years of experience in responding to humanitarian crises and under his leadership the number of refugees served by the ARC has grown significantly. So I look forward to hearing his testimony on the situation in Bosnia and how the assistance there can be most effectively delivered.

Just last month, I was notified that another Army National Guard unit in Minnesota was being deployed to the IFOR operation in Bosnia and, as those 31 soldiers prepared to depart, I wrote them that I hoped that they could be back with their families soon, maybe even in time for Christmas. After all, President Clinton had pledged last December that U.S. troops would be out of Bosnia within 1 year.

Unfortunately, I was not surprised to discover that these soldiers had been notified that their deployment could last for up to 9 months.

Indeed, the mixed signals that Congress has received on just how long American forces will be in the Balkans speaks volumes about the elasticity of the 1 year deadline.

U.S. actions with regard to this Saturday's upcoming elections have raised other concerns. We have all heard reports that there has been significant pressure from the administration to insure that these elections go forward as scheduled. But many humanitarian organizations have also pointed out that the spirit and the letter of the election provisions in the Dayton Peace Agreement have not been met.

Frankly, I believe that the United States has gotten itself into the very "Catch 22" situation which some members of this committee warned the President about last year. If the elections are held on September 14, it appears less likely that the results will be satisfactory but more likely that President Clinton can withdraw U.S. troops closer to the 1 year deadline.

Yet, if elections are delayed on the grounds that free and fair conditions have not been met or that they will legitimize ethnic cleansing, it will almost certainly extend the stay of American forces well into next year.

Now, while I do not envy the administration for having to make these tough decisions, I feel compelled to point out that such problems were not unforeseen by this committee. Is it any wonder that some are speculating that the one year deadline for U.S. troops is driving America's Bosnia policy, rather than the other way around?

Mr. Chairman, at this critical point in the Bosnia peace process, I hope that the witnesses before us today can help clarify these questions and many others that remain yet unanswered.

Thank you very much.

Senator LUGAR. Thank you, Senator Grams. Senator Feinstein, do you have an opening statement?

Senator FEINSTEIN. Thank you very much, Mr. Chairman, I do. I would like to just briefly read its conclusion and then perhaps the rest can just go in the record with your approval.

Senator LUGAR. Very well.

Senator FEINSTEIN. Clearly, this is a crucial moment in Bosnia's history. The peace that has held in Bosnia for the past 9 months is tenuous and fragile. Unless we, and our European allies, and the international community, manage to successfully answer the many questions about Bosnia's future now facing us, the long-term prospects for peace I think are not bright.

Ultimately, of course, the success or failure of the peace process will depend more on the Bosnian Muslims, the Croats, and the Serbs, and what they choose to do or not to do than it will on anything that is within the power of the United States.

The Dayton Accords have provided the Bosnian people a breathing space and a valuable opportunity to create the groundwork to allow peace to grow and flourish.

In this context, I would be remiss not to commend the efforts of President Clinton, Secretary Christopher, Ambassador Holbrooke, and countless others in creating a situation of relative calm in Bosnia in which this peace has been provided a chance, however long the odds, to grow. It is to this question, however, whether sufficient groundwork has been laid to allow a peace to take root and what more the United States can and should do that we must turn our attention today.

So I look forward to today's testimony.

[The prepared statement of Senator Feinstein follows:]

PREPARED STATEMENT SENATOR DIANNE FEINSTEIN

Mr. Chairman, we are here today to discuss one of the most important and serious questions facing American foreign policy: The status of the Bosnian Peace Process.

This hearing provides us an important opportunity to assess the progress that has been made in securing peace in Bosnia thus far, and in identifying and evaluating those areas that need additional work.

In the past nine months the NATO Implementation Force has succeeded in creating a relatively stable and secure environment in Bosnia. But victory is not yet won. There are key non-military tasks that will not be complete when the IFOR mandate expires at the end of this year, and there is a real danger that when U.S. combat forces depart the military question will be reopened as well.

Despite this nine month breathing space ethnic hatreds persist. Tensions simmer beneath the surface of Croat-Muslim relations inside the Bosnian Federation, and between the Croat-Muslim entity and the Republika Srpska. And of course, relations between Bosnia-Herzegovina, Croatia, Serbia remain tense.

Civilian reconstruction efforts have been erratic, and the Agency for International Development has had great difficulty in finding groups and partners on the ground in Bosnia willing or able to undertake critical cross-ethnic reconstruction and reconciliation efforts.

Although the War Crimes Tribunal has publicly indicted 57 people, including 5 for genocide, the vast majority of war criminals have neither been indicted nor brought to justice. Only seven of the indicted suspects are in custody. Karadzic and Mladic continue to exert power and influence and to make public appearances in Bosnia, and many other war criminals have reportedly passed unmolested through IFOR check points in Bosnia.

At the end of this week the Bosnian Federation will conduct national, entity, and cantonal level elections. These elections, however imperfect, will be crucial in the process of creating functioning Bosnia-wide political institutions. But there is a real danger that if the elections are too imperfect—marred by the participation of war criminals, domination of the media by nationalist parties, intimidation, and registration and voting irregularities—then they may do little more than plant the seeds for the ultimate destruction of the Bosnian Federation.

Yes, today we are faced with some serious and troubling questions about whether the peace accords will last and whether Bosnia will flourish or if, once U.S. forces leave, Bosnia will once again be thrust back into bloody war.

In discussing and debating these issues, however, I think that it is important for the members of this committee and the American public to place these questions in their proper context.

Yes, in the weeks leading up to the elections there have been reports of intimidation and irregular and questionable voter registration. But who in this room one year ago would have thought that today we would even be discussing elections, and not the latest round of ethnic cleansing?

Yes, Karadzic and Mladic—and numerous other war criminals—are still at large. But who in this room one year ago would have thought that today we would be discussing apprehending and prosecuting war criminals, and not witnessing yet another massacre of innocent civilians?

Yes, there are some serious outstanding questions about our efforts to train and equip the Bosnian Federation Army. But who here in this room one year ago would have suggested that today we would be questioning how to best reconstruct the Bosnian army, and not whether Bosnian army POWs would be able to survive in Serb concentration camps?

Yes, civilian reconstruction efforts have been too slow and too often clumsy and inefficient. But, again, who here in this room one year ago would have thought that today we would be debating whether more money needed to be spent on housing, education, or the free media—and which group on the ground in Bosnia would most effectively spend the money—and not whether yet another international cultural landmark was about to be destroyed?

This is not to say that we have met unqualified success in Bosnia. Clearly we have not, and just as clearly the future of Bosnia is by no means assured.

This is a crucial moment in Bosnia's history. The Peace that has held in Bosnia for the past nine months is still tenuous and fragile. Unless we—and our European allies and the international community—manage to successfully answer the many questions about Bosnia's future now facing us, the long-term prospects for peace in Bosnia are not bright.

Ultimately, of course, the success or failure of the peace process will depend more on the Bosnian Muslims, Croats, and Serbs and what they choose to do—or not to do—then it will on anything that is within the power of the United States.

The Dayton Accords have provided the Bosnian people a breathing space, and a valuable opportunity to create the groundwork to allow peace to grow and flourish.

In this context I would be remiss not to commend the efforts of President Clinton, Secretary Christopher, Ambassador Holbrooke, and countless others, in creating a

situation of relative calm in Bosnia in which this peace has been provided a chance, however long the odds, to grow.

It is to this question, however—whether sufficient groundwork has been laid to allow peace to take root and what more the United States can and should do—that we must turn our attention today. I look forward to today's testimony.

Senator LUGAR. Thank you very much, Senator Feinstein. Senator Snowe, do you have an opening statement?

Senator SNOWE. Thank you, Mr. Chairman. I just want to commend you for holding this hearing today because I think it is an important juncture at this point in the Bosnian peace process to examine the implementation of the Dayton Accords and also to review many of the circumstances and the questions that have been surrounding the elections that are scheduled on September 14.

It is important that we follow through on this process to understand the problems and to see what we need to do in the future.

Thank you.

Senator LUGAR. Thank you very much, Senator Snowe.

The Chair will suggest that we have a limit of 6 minutes for our first round of questions. If there are additional questions, we will have another round prior to our second panel testifying.

I would like to begin by commenting that Reuters reports today that the Defense Minister of Germany, Volker Ruhe, has said that international peacekeeping troops should remain in the former Yugoslavia until October 1997. He also volunteers the thought that a German chief of staff might take part, a leadership role that would be unprecedented for Germany in that respect. The comment, of course, is that Germany should no longer play a special role but simply take full part alongside its military partners.

Do any of you have comments on Mr. Ruhe's thoughts? Ambassador Kornblum.

Ambassador KORNBLUM. Yes. Thank you, Senator.

As I mentioned in my opening remarks, the Dayton Agreement has had a number of implications. Included among them has been the evolution of concepts of cooperation on peacekeeping and crisis management and quite an interesting evolution among the relationships among the allies and between NATO and other countries.

There are 16 non-NATO countries participating in IFOR, including Russia, as we know. The large majority of the forces in Bosnia are provided not by the United States but by these other countries.

Germany decided at the beginning of the IFOR deployment to send about 4,000 troops but to station them in Croatia and to have them perform basically support functions—medical, engineering, things like that.

As you know, evolution of Germany's own role in Europe and its support for these kinds of operations has been one of the major factors that we have been dealing with over the years.

It has been the success of IFOR and the broad public support that the German participation of IFOR has received in Germany which has then removed the German Government forward and the Defense Minister to consider other aspects of participation.

Now Mr. Ruhe is speaking—I don't know if this is a formal German position or not. He may be speaking for himself. There are many other voices in Europe which talk about the military commitment. Many of them wish to have a future military commitment in

Bosnia, which is an important aspect that we need to take into account, also.

But I think the spirit of what Mr. Ruhe is saying demonstrates again the very interesting and, I personally think, very hopefully aspect of IFOR that it has also played a very important role in helping to build cooperation with allies, refine the role of allies, and refine our concepts of how we are going to deal with a crisis such as this, and if the unfortunate event occurs that we have other crises like this in the future, how NATO will be able to deal with them also.

Senator LUGAR. To what extent, Mr. Kornblum, do you believe that Volker Ruhe is making this comment to push the United States on a bit further?

In your statements today and in administration statements there is the thought that we want to see how these elections come out and that, apparently, further planning or further organizations, such as an IFOR II or its successor, would follow that.

Clearly, the point you have made about the elections are a nudge forward. But still, this implies that somebody is going to continue to do some nudging, that there will be an international framework to help this move Bosnia toward a nation-state. Absent that, as I read Henry Kissinger's comments in my opening statement, the odds are very good that separatism may wish the day.

Kissinger is, I guess, pessimistic and feels that that has happened already. So it is a tough go.

Now, may be correct, that Volker Ruhe is not speaking for Helmut Kohl and the government. On the other hand, he has made some comments like this before. To try to focus our attention, as United States' attention, or the attention of others who are going to manage the NATO hand, is it your judgment that we should wait until Saturday, or next week, or the week after that, when there will be some revelation of what is to occur? What is the administration's progress and the planning likely to be on IFOR, its continuation or its successor?

Ambassador KORNBLUM. Senator, first, as I said, I think Mr. Ruhe was also participating in the inter-German debate in making these comments. From our point of view, whatever message he may or may not have been trying to send to us, it was a very helpful contribution he made.

The Dayton Agreement is a very carefully staged plan, designed to last one year. It also has lots of ongoing commitments in it. This was thought through very carefully at the beginning, whether to try and have a long period of reconciliation and healing, which then ended at some point in a political arrangement; or, just as many of the questions have suggested, whether there were, in fact, such forces of separation, centrifugal forces in that country, that we needed a fast process which would include early elections, which would include pressure to build central organs, and would make it clear that our military commitment was staged for a one year commitment.

We chose that option, and the elections, as I said and as Mr. Longstreth said, are very important as part of that.

We will be consulting with our allies and I think there will be some very important discussions going on as to what the security commitments for 1997 need to be.

Right now, you said very correctly that we have not come to any conclusions, and there is not any intention by the administration to consider a longer term commitment. But these consultations will be important ones and they will be going on during the fall. We will see what the situation will be as the implementation develops after the election.

Senator LUGAR. Thank you. Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

I believe the Dayton Accords gave the right of return to some 2 million people. Yet only 70,000 have gone back home. What is the principal reason for the delay, and do you see the 2 million actually getting back home within the foreseeable future?

Ambassador KORNBLUM. Senator, if you will agree, I will ask Ambassador Montgomery to comment on that. He works very much on that issue.

Ambassador MONTGOMERY. Senator, this is one of the most difficult problems facing the whole Dayton process. There is no question that we have not yet been successful in facilitating the return of refugees to areas other than where they are in the ethnic majority.

The U.N. High Commissioner for Refugees is trying to address this problem as well and will be focusing on this in the next year as a priority. But it is one of the most difficult tasks we have facing us.

Senator PELL. Thank you.

Senator LUGAR. Have you any more questions?

Senator PELL. No, no more questions.

Senator LUGAR. Very good.

Senator Biden, the distinguished ranking member, has just arrived. I will recognize him for his opening comments so that we are all up to date.

Senator BIDEN. Mr. Chairman, thank you very much.

I am really here to see if we can increase funding for AMTRAK so that we can get the trains on time. [General laughter]

Since my colleagues have been patient, I will withhold and wait until the end to make any comment.

Thank you very much.

Senator LUGAR. Very well. Senator Grams.

Senator GRAMS. Thank you very much, Mr. Chairman.

Over the past few months, the administration has been sending out contradictory messages about how long we can expect to have American forces and troops serving in Bosnia. The President originally promised Congress that the deployment of U.S. troops to Bosnia would last for only one year and that that would be ending this December. Then, in June, Secretary Perry said that he would support U.S. participation in a "follow-on" force to the current IFOR operation.

On July 21, Vice President Gore said that U.S. troops would be out of Bosnia by the end of the year and that there were no plans to participate in a follow-on force. But then, only a few days later, U.S. intelligence officials testified that the war in Bosnia is likely

to resume if American troops did not stay past the December deadline.

So my question, maybe which Mr. Montgomery could answer is this. Is the President still committed to getting all U.S. troops out of Bosnia by the one year deadline? If not, how large a force would remain after the December 20 deadline and how long could we expect American soldiers to remain in Bosnia?

Ambassador MONTGOMERY. Senator, I think Assistant Secretary Kornblum could best answer that question.

Ambassador KORNBLUM. Thank you. It's an honor. [General laughter]

Also, Mr. Longstreth will have some comments.

I think I mentioned a bit earlier that we very carefully designed the mission to be a mission of about one year, and that "about" is important because, needless to say, in a situation like this you cannot say that a specific day the curtain will come down and everything will be finished.

Senator, when the National Guard units from your State were told that they might be there for about 9 months, that fits in actually quite accurately with the planning that General Joulwan has done to maintain an effective force up until December 19 and then to gradually phase out the force. Up to 9 months is perhaps the longest period. But certainly in any case there will be forces as they draw down in Bosnia into the beginning of the year. This is simply part of the logistics of such a large force.

As far as we are concerned, the mission which has been established for IFOR has about a 12 month duration. But after the elections and as we now consult with allies and look at situations, there are, in fact, likely to be other security tasks. Someone mentioned, one of you mentioned the IPTF, which has, in fact, not functioned, the International Police Task Force. It has not functioned as efficiently as we thought it would for a number of reasons.

One of our major goals right now is to redesign and to restructure the IPTF so that we have a much more robust and, if you will, credible international police force in Bosnia after the beginning of the year.

Many of the functions which IFOR has had to take on perforce, some of which Mr. Longstreth described, in our view will be taken over by the IPTF.

There is an important arms control agreement which we have signed, which is to be monitored primarily by the OSCE. This is also a security function and we will be seeing how the OSCE can do this and what sort of assistance it needs.

There will be other functions also. As I said earlier, we expect that there will be consultations with our allies. Many of our allies believe there should be an ongoing military force. It is part of our role, as the leader of the alliance, to consult with them and hear their views, and to give our own views on what they should be. This will be, in fact, a very detailed discussion which we will have this fall.

While you can argue that this is a very imprecise statement, from our point of view it is precise. The mission that we have set forth is the mission for about a year, and the planning is already going forward. General Joulwan already has the changes in head-

quarters components and everything is underway to make sure that this mission can be completed in one year.

Tom, I don't know if you want to add.

Senator GRAMS. Maybe I could be a little more specific.

Can IFOR leave before a military balance of power has been established, Mr. Longstreth?

Mr. LONGSTRETH. Well, let me just add a few points to what John said and then I will pick up on your question.

John is absolutely right. I think it remains the judgment of Secretary Perry and General Shali that the military mission that IFOR was sent to Bosnia to accomplish can be completed and completed successfully in about a year. It is a separate issue entirely of whether or not any sort of security presence will be required in Bosnia after that time, and I think, as the Secretary has said publicly, that is a decision that will have to be made in concert with our allies and, obviously, in consultation with the Congress between the elections period and the end of IFOR's mandate.

But it is certainly my understanding that the troops are to come home at the end of the mandate. This does not mean that every single soldier will be out on December 20. General Joulwan requested that we retain a mission capable force through the end of the mandate and that means that the drawdown will begin in December, but there will still be some troops in Bosnia, probably into the weeks of 1997.

But our understanding—and Secretary Perry has told this to the troops—is that they are coming home at the end of the year.

Obviously, as we look to the issue of what comes after IFOR, first of all, let me point out that I don't think that our security interests begin and end with IFOR. We will retain an interest in Bosnia, in maintaining stability in Bosnia.

We have also said from the start that we believe the civilian presence in Bosnia, the international civilian process will extend into 1997. I think UNHCR and other international organizations have declared their intention to stay.

As NATO begins to consider what, if any, security presence will be required after IFOR leaves, it is going to have to look at a whole series of questions, including the one you raised, which is what is the military balance in the region, has arms control successfully eliminated some of the imbalances, how much success have we had in our train and equip effort to give the Bosnians an ability to defend themselves, how is the rest of the civilian implementation process proceeding, what would the mission of such a presence be, and is it in our security interest to do that?

I know that the Secretary has every intention to look at those issues, as we have said, after the elections process is completed. That review will take place through the fall, again, in concert with our NATO allies and in consultation with the Congress.

Senator GRAMS. Thank you, Mr. Chairman.

Senator LUGAR. Thank you very much. Senator Feingold.

Senator FEINGOLD. Thank you, again, Mr. Chairman.

Let me say at the outset that I don't recall the word "about" being used a year ago. I remember the words "one year," "no more than one year" being used a year ago.

Let me simply say with regard to the President's statements and others that that was certainly my understanding.

At the risk of being a little repetitive, because I think this is such a terribly important question, let me first ask Mr. Kornblum about how many—and I'll use the word "about" now in a different way—about how many of the, you said, I think, 16,000 troops at this point can we expect actually to have been withdrawn from Bosnia by December 20, the one year anniversary of the deployment?

Ambassador KORNBLUM. Senator, that goes beyond my knowledge. Mr. Longstreth might be able to answer that.

I would just like to make one point of clarification here, however. The Dayton Agreement says in Annex 1(A) that parties invite the international community to mount a military force in Bosnia for approximately one year. That is the approximately. If I used the word "about," it means approximately. "Approximately" is the basis that we have been working on.

I am not an expert on the military withdrawal. Perhaps Mr. Longstreth could respond here.

Senator FEINGOLD. Let me just respond to your comment. I think it is a fair comment. I was not referring to what the Dayton Accords said. It's what our leaders of this country said as a description of what would happen with regard to the Dayton Accord.

Fair enough. Mr. Longstreth, could you answer my question?

Mr. LONGSTRETH. Senator, I will have to take the question for the record. I'm not sure I can give you an exact figure of December 20.

I do know that U.S. Army Europe, SHAPE, and IFOR are beginning their planning on the drawdown. In fact, the numbers right now I believe are slightly below 16,000, because we already have withdrawn some units, two armored battalions. So we are down around 15,000, I think, in country.

The numbers will go up and down. In fact, I think the numbers may increase a little bit as we move later in the fall, as the covering force deploys to provide security during the withdrawal.

I suspect—and, again, I will take the question for the record and see if I can get you a more exact figure—but I suspect that the drawdown will begin fairly late in the mandate and that it will be fairly rapid.

One of the things that we have been able to accomplish during IFOR's tenure there is to improve the transportation infrastructure. We gained a lot of experience as we deployed during the winter last year, and I think we have a better sense of how that redeployment will occur. We have a somewhat better transportation infrastructure that we can use, the bridges and the railroads. So I think that drawdown will be fairly rapid.

But, as I said, not all troops will be out by December 20. There will still be a number of troops there, particularly the covering force to provide security as the rest of our IFOR troops pack up their gear and head back to Germany.

Senator FEINGOLD. If I told my constituents that I expect that there will be no more than 3,000 troops in Bosnia by December 20, would I be about on mark or would I be way off?

Mr. LONGSTRETH. Senator, I would like to take that question for the record and I will try to get you a more exact figure.

Senator FEINGOLD. I would appreciate that.

You did attempt to answer a very difficult question, which is whether or not we would be participating in any follow-on force after December 1996. You obviously don't know for sure. But let me ask if the administration has discussed any preconditions for U.S. participation with our allies?

Perhaps Mr. Kornblum would want to comment on that as well.

Mr. LONGSTRETH. Senator, I'm unaware of any discussions of preconditions. As you are probably aware—first of all, let me state as I stated before that these discussions are going to begin with our allies after the elections, and I suspect that we will have a number of discussions with the allies on this issue through the fall. The first such opportunity is at the informal defense ministerial in Bergen, Norway, in late September, and I suspect that at that meeting, we will again undertake an assessment of where we stand at the time in the postelections period, what IFOR has accomplished, what the security environment looks like, and begin to look at some of the issues that I mentioned to Senator Grams, and look at some of that.

Maybe John can expand on that.

Ambassador KORNBLUM. I'm not aware of any such discussions, Senator. Certainly, the approach that we are all taking, and I am quite confident that senior administration officials are taking, is to focus on the mission. Our allies do raise it with us. As Senator Lugar pointed out, even defense ministers have mentioned it.

Our view, which I certainly repeat, and I'm sure others do, is that because of our focus on the mission and also because of our focus on the need to have decisions taken and steps taken, such as elections, such as establishing joint institutions, such as banking institution functions, we believe it is very premature to talk about this and we never get into a question of under what conditions we might be willing to do it. This is because as far as we are concerned, we have a mission and we are fulfilling it right now.

Senator FEINGOLD. Thank you.

On a different topic, the whole issue of training and equipping the Bosnian Muslim-Croat coalition, and the fact that the Europeans have, in the past, been somewhat reluctant with regard to that, there were assurances from the Europeans that they would support the arm and train provisions of the Dayton Accord. Do you feel that they have fulfilled their obligations? If not, what is the administration doing to press them in that regard?

Ambassador KORNBLUM. Well, I think Ambassador Pardew, who is our full time coordinator on this subject, is perhaps the best person to answer this. If you feel there is anything on diplomacy that you would like to ask me, I would be happy to fill in. But he is the person who follows this every day.

Senator FEINGOLD. Mr. Ambassador?

Ambassador PARDEW. Senator, some European governments have had a different view on the best means of achieving long-term peace. These governments have generally believed that arms control alone would be the best means of achieving a military balance.

Senator FEINGOLD. Would you just speak up a bit?

Ambassador PARDEW. Sure.

The European view has largely been that arms control alone would provide the necessary means for a military balance. We have had a slightly different view.

As you know, we believe fully in arms control and totally support that process. But we also believe that, as we bring the overall level of arms down, we also need to do some things with the Bosnian Federation to make them better. The Serbs have had an advantage in having a powerful geographic patron, heavy weapons, and military experience, training, and so forth.

So the arms control process is still ongoing. We are talking to our European allies. But up to this point, they have not agreed to participate directly in the train and equip program.

Senator FEINGOLD. Thank you.

Thank you, Mr. Chairman.

Senator LUGAR. Thank you very much, Senator Feingold. Senator Snowe.

Senator SNOWE. Thank you, Mr. Chairman.

I still would like to understand exactly why we determined that these elections would be free and fair based on the fact that the municipal elections have been canceled because of substantial irregularities.

Do not those same problems represent an impediment or a problem for holding these elections on September 14? If not, why?

Ambassador MONTGOMERY. Senator, the specific reason why the municipal elections were canceled was because of not really illegal actions taken but manipulation of something that is called the P2 Forum that allows individuals to select cities where they would like to live some time in the future, in essence.

What happened as a result of that provision is that approximately 130,000 refugees currently living in Serbia elected to vote in cities in the Republika Srpska where the votes would have changed the ethnic balance in the cities, in the municipal elections, in the councils, et cetera.

Senator BIDEN. Excuse me, but did you say formerly living in Serbia? Did you say "formerly?"

Ambassador MONTGOMERY. I'm sorry. I meant formerly living in Bosnia, who had fled to Yugoslavia. The point is that it was the selection of specific cities in the Republika Srpska by these refugees that would have changed the mathematical proportion in the cities to such an extent that it would have been a manipulation of the municipal elections.

There was no problem with refugees deciding they wanted to vote in the Republika Srpska, as opposed to the Federation. But it was this specific problem with the municipal elections that was highly controversial.

On the Bosnian side, there is a desire by the Bosniak people living now in the Federation who have been forced to flee from their homes in the Republika Srpska to go back and vote in these places. They have participation in the cities that they have been ethnically cleansed from.

The addition of all these additional voters from Yugoslavia would have changed that possibility tremendously. That is the reason

why the municipal elections were canceled, and that same factor didn't apply to other, higher level, elections.

Senator SNOWE. Which of our allies had concerns about holding these elections on September 14?

Ambassador MONTGOMERY. In all of the meetings leading up to the decision to proceed with the elections on September 14, virtually the entire international community supported holding the elections on September 14, with no exceptions. That included in OSCE meetings, it included in a meeting of the Peace Implementation Council in Florence in, I believe it was May. There was absolutely no opposition to the September 14 elections whatsoever.

Senator SNOWE. There were some reports that stated there was pressure placed on OSCE to determine that these elections would be free and fair. Were the pressures placed on them by the United States? Is that true?

Ambassador MONTGOMERY. We felt strongly that the elections should proceed for a number of reasons. We were not alone in this belief.

As I said, all of the other countries involved in the process felt the same as we did. Polls taken in Bosnia itself show that the Bosnian people supported going ahead with elections as well.

So, we join a consensus in this. We were not by any means alone, in the lead, or putting pressure on the OSCE to go ahead.

Senator SNOWE. What process or what procedure would be in place to determine whether or not these elections were held in a free and fair manner? Will there be any assessment at the conclusion of these elections?

Ambassador MONTGOMERY. There will be a lot of assessments made by a number of organizations and individuals.

For example, first of all, the head of the mission in Bosnia of the OSCE, Robert Frowick, will provide a certification as to the actual voting procedures. He will give his comments as well on the behavior of the parties and what he has found as reports from the 1,200 international supervisors that he controls to the elections.

So he will have those comments.

There is also approximately 1,000 election observers from abroad who will be going to observe these elections and will be filing reports to Minister Van Thijn, who will also issue his evaluation of the elections.

In addition to those two, obviously you have the international media, you have individual delegations that are participating in the election monitoring effort, such as we will have a presidential delegation of our own that will make our comments.

So there is going to be a number of sources that will be able to give their opinions of the elections.

Senator SNOWE. Finally, on the issue of the right of return for refugees to go back to their own homes, that is obviously a substantial problem, and, certainly, one of the failures of the Dayton Accords, at least to this point. Can you explain to the committee why this has not been successful and what we can do in the future to insure this? Ultimately, it is going to determine the success or failure of these accords.

Ambassador MONTGOMERY. Well, what I would say in my personal view is this. First of all, we will continue to press for this.

This is something that we believe strongly must happen. But in my view, it will be one of the last things to happen. It will be a fruit of a lot of the other things that we are now in the process of accomplishing.

Once we have the national institutions that will be created by this election, once we have more confidence building, more integration of the different entities that are now in Bosnia through our economic reconstruction assistance, et cetera, those bridges that are built by this process in the end are what I believe will enable refugees to return to their original homes.

I do not think that it will be something that happens quickly or dramatically. It will be a product of the other actions that we're taking in the meantime.

Senator SNOWE. Thank you.

Thank you, Mr. Chairman.

Senator LUGAR. Thank you, Senator Snowe.

Mr. Montgomery, just quickly, is it your judgment that Ambassador Holbrooke will be the head of the Presidential delegation that observes the election?

Ambassador MONTGOMERY. Senator, I'm not sure that that has been officially announced yet. I think it is likely that that will be the case.

Senator LUGAR. Thank you. Senator Feinstein.

Senator FEINSTEIN. Thank you very much, Mr. Chairman.

First of all, if I might address this particularly to Secretary Kornblum, this is just my personal opinion because I differ a little bit with my distinguished colleague on my right.

I have heard consistently the words "about one year" used and used by President Clinton, Secretary Perry, and Secretary Christopher.

I have been very proud of this nation. Three people of your team lost their lives. American men and women have gone over there with very little complaint. We have tried under the most difficult circumstances that I can conceive to carry out a most difficult mission.

I would really hope that the carrying out of the mission to see that people can live freely and in dignity is more important than an arbitrary date. I want to just give that as my personal view, if I may.

This Nation has invested a great deal in trying to bring about peace in a very strife-driven area. I think to rely on a date on a calendar and jeopardize that would be most unfortunate.

I want now to ask a couple of questions on war criminals. As far as I can determine, civilian authorities seem to lack the capability to really apprehend war criminals. The role of IFOR in this process has been somewhat ambiguous.

There have been reports that on different occasions IFOR has allowed both Mladic and Karadzic to escape when they were presented with opportunities to capture them. So one of my questions is who will hunt down war criminals after the IFOR withdrawal?

Second, do you believe that the elections scheduled for this Saturday can really lead to a lasting peace if war criminals remain at large and may, in some cases, exert influence over the results?

Ambassador KORNBLUM. Senator, we, from time to time, have heard these reports, mostly through the press, that Mladic or Karadzic were somewhere in the grasp or near the grasp of military authorities. I can assure you that we, together with our defense and military colleagues, looked into every one of them very carefully and, to our satisfaction, we believe that this has not been the case.

As you can imagine, that country is rife with rumors, with allegations, with expectations. But I have spoken with General Joulwan personally and I have read the instructions which have been sent. Needless to say, IFOR has the instructions to apprehend criminals if it is in any way physically possible for them to do so. These reports have all proven not to be accurate.

As far as how we intend to approach the question of war criminals, I think that is a very important issue which is useful to discuss.

The tribunal I personally believe is a very important, almost historic, step taken by the international community and the United States has supported it very strongly, including providing major portions of its financing. It fits in with the strategic approach that we are taking to this issue, which I mentioned earlier and which was reflected a little bit, also, in Senator Pell's comments; that is, the United States has a commitment in Bosnia, of course, because of the need to stop the fighting and of course because of the humanitarian aspects. But our commitment there is also a commitment to a certain kind of behavior in the world. This commitment is supported through our military forces, through our political and diplomatic engagement, but also through our engagement for things such as the War Crimes Tribunal, the committee on the Missing, which was established as a result of an initiative by President Clinton at the Lyon summit, which is going to work very hard to clarify the fate of those many tens of thousands, unfortunately, who are missing.

And so, we will continue to pursue this.

The question of hunting them down, which came up numerous times during the past year, should be seen in this context. The mission of IFOR, as we all mentioned earlier, which has been very carefully set forth in the Dayton Agreement, is not necessarily to be a search and arrest force going out to find war criminals. Its job was to establish, as we have talked about a number of times here already, the conditions for the building of peace.

What we have been doing is, first, keeping up the international pressure, and in keeping up the pressure, the United States, for example, made sure that Mr. Karadzic was out of influence and out of power this summer, when it seemed that he was actually influencing things more than he had claimed he was.

It is we who pursue politically—and I can tell you I have personally done this—with President Milosevic, President Tudjman, and the authorities of Republika Srpska and the authorities in Sarajevo the need to identify, pursue, and arrest war criminals. We have had some success on this.

We will continue to do so.

Who will be responsible for hunting them down after IFOR departs will be a question both of our commitment, which will be

there, and of the ability inside Bosnia to make sure that the forces are there, the international police.

Senator FEINSTEIN. Excuse me. I am very puzzled by this response. Does this mean that there is no specific authority that is going to be responsible to hunt down war criminals at this stage?

Ambassador KORNBLUM. In the first instance, the authority is the national government of each country. I was just getting to that.

The perplexing issue you have in Bosnia is that, as we have discussed, there is no single, national authority right now. If you will, the official representative of Bosnia is President Izetbegovic. He is responsible for hunting them down. But we know, of course, that that is an impractical case. And so, it will be very important that, as the national authority is established in Bosnia, we make clear that this is one of the tests—just as we have done to Milosevic and to President Tudjman—that we will support them, we will work with them, but that it is the responsibility of the countries themselves to hunt them down, or to arrest them, or to turn them over.

It is also the responsibility of the international community to make sure that the governments understand that if they do not cooperate, that the cooperation which they desire, be it economic, political, or whatever, will not be there.

In other words, there is no simple answer. There is not going to be a “troop” which is going to go out after them. But the detailed answer is that it is going to be everybody’s responsibility and also ours as part of the commitment to this kind of approach to crises, to dealing with crimes, to dealing with the humanitarian aspect. And you can be assured that the United States is not going to give up on this commitment.

Mr. LONGSTRETH. Mr. Chairman, if I might add to John’s remarks in response to Senator Feinstein’s question, first and foremost IFOR supports the efforts of the International Tribunal. As its teams have gone in to investigate potential war crimes, it has provided overall security, some transportation and logistic support to these teams.

Second, on the issue of detaining war criminals, the guidance to IFOR troops is very clear. They are to arrest and detain individuals indicted by the International War Crimes Tribunal if it encounters them through the course of its normal duties and if the tactical situation permits.

I can tell you, having been to numerous checkpoints in Bosnia and talked to the troops, that they have the photographs of indicted individuals right there at their checkpoints and they look for them. If they come across them in the course of their normal duties, they understand what their guidance is.

That is not the same as them going out and trying to hunt down and seize these individuals. They do not have the mandate for the mission for that.

Senator FEINSTEIN. So, in other words, there is no one who is going to go out and hunt down and seize two major people who use this kind of absolute annihilation of thousands and rape as an instrument of war for the first time in history? Is that what you are telling me?

Mr. LONGSTRETH. All I can tell you, Senator, is that IFOR does not have the mission or the mandate to hunt down these or any

other indicted war criminals. That would require a change in the mandate.

Senator FEINSTEIN. Then I think we have a big gap in our policy.

Excuse me, Mr. Chairman. Thank you.

Senator LUGAR. Thank you, Senator Feinstein. Senator Thomas.

Senator THOMAS. Thank you, Mr. Chairman.

Mr. Longstreth, you mentioned in one of your responses, I think, that if there were an extension, if there were a continuing force and so on, that there would be a consultation with the Congress.

As I recall when we went over there, first we were told, "Well, we are at Dayton, we can't talk about it much." Then the next thing we knew it was, "Well, the troops are already there, we can't talk about it much." We did not really get any consultation.

How do you see a consultation with Congress if there needs to be an additional activity?

Mr. LONGSTRETH. Well, Senator, let me try to respond to your question and then I will ask Assistant Secretary Kornblum to respond.

I guess I recall the circumstances of last winter a little bit differently. I remember the Secretary and the Chairman coming up and briefing the Congress on more than one occasion.

Senator THOMAS. Briefing and consultation are two different things.

Mr. LONGSTRETH. As I said, I think maybe before you came into the room, I think that this whole issue of looking at the security situation in Bosnia, looking at IFOR's accomplishments, looking at what we think the security situation will look like beyond the IFOR mandate, is a process that will occur between the elections on September 14 and the end of IFOR's mandate on December 20.

There are obviously going to need to be numerous consultations within the alliance at various ministerials through the course of the fall, and I would suspect that, during the course of those discussions we will also be discussing this with the Congress as well.

Again, I cannot point to a specific formal process for this because I do not believe one has been set up. But I can assure you that the administration intends to consult with the Congress on this.

Senator THOMAS. I hope so.

Let me ask another question.

I was in Belgium last year and we were talking about this. I think in sequence each of the ministers of NATO got up and said we just can't do this.

You mentioned a little while ago that we have the lead in this. But some of the material indicates that NATO had agreed to play the lead. NATO is made up of England, France, and who else? These are not exactly undeveloped countries.

I guess my question is are we going to always carry the load? Or when we have organizations like this, that are supposed to be part of it, are they going to be principal players or are we going to always be responsible for what happens?

Ambassador KORNBLUM. Senator, I think this is one of the major, if you will, ongoing and future questions which are facing us. There is a number of things I could say, some of which would take us off into a slightly different direction, including the major agreements that we reached in NATO in Berlin in June to, in fact, restructure

the alliance to make possible for more responsibility by our European allies.

But the fact is that, since World War II, the United States has been the most powerful and the leading country in the world, not only in our relations with Europe, and that the process, if you will, the dynamic, in NATO in particular, because of both our political will and our major military contribution, has been that we play a leadership role.

Now we all know that there are various definitions of leadership, but leadership in this case means being the country which essentially has the vision which sets forth goals, which helps, which works with their allies to put together something resembling a coherent approach.

On the IFOR and the Dayton process, as you recall, before the President committed himself to work for an American commitment to a peace force, if there were a peace agreement—and that is the way he set it forth—there was a good deal of European participation in Bosnia, including tens of thousands of troops. But there was not any clear strategy or any clear leadership.

I think it is fair to say in this case, as in a number of others, that we were the ones who provided the catalyst for moving toward the peace agreement, not at all downplaying the contribution of our other allies. After all, as I mentioned earlier, the large majority of the forces in IFOR are not American forces. They are European forces.

But as we move now to judging the success or failure of the Dayton process, it is the United States that is the country which is really the catalyst for writing the Dayton Agreement, for negotiating the Dayton Agreement, which the allies will look to.

Senator THOMAS. I guess my question, really, though, is the longer-term strategy, and that is, you know, we go into these alliances. NATO is not exactly a brand new idea. It is not made up of people who are helpless. It is made up of people who have great—and your comment about us being the largest is true. Collectively, they are the largest, but we have substantially more investment than anyone in the NATO by far.

They are their neighbors. They are the ones who live there. I just don't understand it.

I see in the future that we build all these alliances and then we kind of go around them, and we carry the load and act as if it is a NATO project. That is frustrating, isn't it?

Ambassador KORNBLUM. Well, as I said, actually in this case the large majority of the actual physical load is not carried by us. It is carried by our allies.

Senator THOMAS. We are carrying more than anyone else by far.

Ambassador KORNBLUM. Not even by far. The British have nearly as many troops in IFOR as we do.

Senator THOMAS. And dollars?

Ambassador KORNBLUM. Well, it depends on what the troops cost. But the British have about 15,000.

Senator THOMAS. Now I don't mean to argue.

Ambassador KORNBLUM. In any case, let me just make one point because it is a very important point and it takes us into a different direction.

But I would draw your attention to the speech given by Secretary Christopher in Stuttgart on Friday, which talked exactly about this issue. It is something that we spend, that I personally spend a great deal of time on. We are, in fact, restructuring and adapting the alliance to its new goals and to the new role of European allies. And so, I can agree with you very strongly that it is, in fact, it should be and is one of our goals to make sure that there is, if you will, a fair sharing of the burden.

Part of this, however, is the consciousness of the Europeans, and that is what Secretary Christopher talked about in his speech and what we are doing in our adaptation and restructuring of the alliance.

Senator THOMAS. Thank you.

Thank you, Mr. Chairman.

Senator LUGAR. Thank you. Senator Biden.

Senator BIDEN. Thank you very much.

Picking up where my colleague left off, it seems to me that there is a reason why we had to do what we Department of Defense, and you are going to necessarily, you are going to have to disagree with what I'm going to say, although you may also in fact disagree with what I'm going to say. The truth of the matter is the Europeans have never led in Europe. The truth of the matter is the Europeans will not ever lead in Europe. The divisions in Europe with regard to Bosnia are so manifold and so historically rooted that without our leadership—the only criticism I have so far of this administration and the last is that we did not do what we eventually did three years earlier by having the Europeans step up to the ball.

So without U.S. leadership and dragging NATO along, it seems to me that we would not be where we are. So I don't think that we are ever going to see the day where if there is a conflict in Europe, we will ever expect NATO to resolve that conflict now that it is not a conflict recalling anything other than someone crossing what used to be the inter-German border to invade the West.

So I hope to Lord that we continue to exercise our leadership role because I think it would be a disaster for us and a disaster for Europe and, in turn, us, if the United States were not the leader of NATO. This means occasionally that we are going to have to step out before them and, in effect, force their actions to follow. This is my humble opinion.

Now, probably will the European press that is here, it will be carried as "Biden Bashes Europe." But I don't mean it that way. I mean very simply that I'm just looking at the history, and it is very difficult. It is very difficult for the French, the Germans, and the Brits to make decisions about Serbia and Croatia where they have long-standing ties unrelated to anything having to do with Bosnia-Herzegovina in the first place.

So it seems to me that we had better continue to lead and occasionally make it clear that we are going to go it alone. And they will follow then. But the ability of European leaders to step out in front and take on public opinion in closely divided governments over issues like Bosnia is nonexistent. If we think that is where it is going to rest, we are in for a world of hurt, as they say in my town.

Let me point out one other thing, if I may.

Despite the ongoing difficulty of implementing the Dayton Accords, there has been no significant deviation from the prescribed timetable. None of it yet occurred. And no major hostilities have erupted in Bosnia for nearly 7 months.

Now I must tell you that I have been—and this comes as no surprise to the witnesses—a relatively constant critic over the last 5 years of administration policies relative to that area of the world, and I was a skeptic about us coming so late—that's my view, my judgment, so late—and with what resulted in the Dayton Accords.

But there have been 7 months—7 months—without any major hostilities. And although most of the public attention focused by me and others and people interested in this area has been on the implementation of the military aspects of the Dayton Agreement to date, I believe that the implementation of the civilian accords will be the critical test in determining whether or not we achieve any long-term peace and stability in the former Yugoslavia.

That is a very brief preface to the very brief questions I am about to ask. I am not going to focus so much with you, nor do I think it is the main focus we should have, on whether or not we are out within a year, or almost a year, or about a year, or specifically what the follow-on force is because the essence of what we are about here—correct me if I'm wrong as this is a question—is this. Is it not true that whether it's war criminals—and there is a number of war criminals that are outstanding, that have not been apprehended—or whether or not it is resettlement, relocation of refugees, or a de facto blessing of the ethnic cleansing that took place, it depends upon whether civilian governments in fact are able to take root?

I mean here a civilian government, whether it is the Republika Srpska or whether it is in the Federation area, that has any reasonable prospect of building some kind of consensus—and “consensus” may be the wrong word—but building some sense of stability.

I mean, if that does not happen, we either are going to be talking about a flat partitioning of Bosnia—and none of you can say that. I don't like saying that. I have argued against that. But, really, they're talking about Croatia taking its junk and Serbia taking its junk, and what's left foundering or we are going to have to put in a continued, significant military presence, European/American, for a long time.

So my question to you is this. The one most disturbing report that I have been given—and many of us, all of us, on this committee follow this as closely as we can—is that—the report that was issued by and I want to get the exact name; I realize my time is running, or has run—the report of UNHCR said that look, we have no mechanism by which we can resettle refugees, we have no way of protecting the resettlement, ergo we are not going to attempt to resettle. We are talking about 2 million people, really, that are out of place in Bosnia, 70,000 of which have been put back in place on their own choice, and UNHCR saying hey, as a practical matter, we just have to acknowledge the de facto ethnic cleansing and we are not going to attempt to resettle.

Now I realize that report has been denied. But talk to me about that. Talk to me, if you will, speak to me about resettlement and the reasonable prospects for it. The reason I ask you this is be-

cause, to me, it seems obviously connected to whether or not civilian governments are going to actually take root that do not guarantee the eventual partitioning of Bosnia by effectively reenforcing the cleansing that took place.

Ambassador MONTGOMERY. Senator, that is definitely not the policy of the UNHCR.

The UNHCR wants to return refugees to Bosnia. It would like to return them to where they came from. But if displaced persons or refugees decide that that is going to be a long time and whether to go back to the homes that they came from they would go to another part of Bosnia, where they would be in the ethnic majority, I think the UNHCR wants to help that process.

They aren't encouraging the refugees to make that choice, but if the refugees do make that choice, they are going to facilitate it.

But they still have in mind——

Senator BIDEN. May I ask a follow-on, Mr. Chairman?

Senator LUGAR. Please.

Senator BIDEN. As a de facto matter, when the refugee says I want to go back to Srebrenica, is a Moslem, and UNHCR looks at him and he says by the way, you're going to give me a ride and you're going to get my house back for me—I mean, this is in its most basic sense incredibly practical. When I was riding between Sarajevo and Kiseljak, I was going through little small towns, little villages. You would see a minaret. You would see 30, 40, or 50 homes. Now this was 2½ years ago.

But to illustrate how difficult I think this is going to be, you would go along and you would see a perfectly manicured home. It looks like 2,500 to 3,000 square feet, with a nice lawn. The windows were washed, it had window boxes, and there was a hole in the ground next to it. I mean literally there was a hole in the ground where a house was.

Then you would see a manicured home, maybe two, and then you would see three holes in the ground with maybe a chimney sticking up—and so on.

Now the practical thing that is going to happen is this. I am a Moslem, I am a Serb, I am a Croat. I want to go back to that hole in the ground, that piece of property, and rebuild my house. Unless somebody says I'm coming with you, I'll be there while you're bringing the bulldozer to dig out the debris and start to put up something, it is not likely that many folks are going to go back.

So are we not, in a de facto way, having to recognize that the cleansing is permanent?

How much of the movement back into areas where I would be a minority will happen? How many people are choosing and able to do that?

Ambassador MONTGOMERY. Senator, I think many, many, many, if not most, of the refugees would like to do that. They have a tie to their home that is incredibly strong, to the village they came from, which may go back hundreds of years. So they want to go back.

Again, I think, personally, that this will be one of the fruits of the process that we have underway now of nation-building, economic reconstruction.

Another thing that has been established is a Commission on Property. Basically, anyone who feels they have been done out of their property for one reason or another during the war can go to this commission, have their case heard, and get a certificate that says they are right, that that property is theirs.

This is an important step because it provides the legal basis for them to either get their house back sometime in the future, to rent it out, to exchange it for other properties.

Senator BIDEN. Quite frankly, I thought I really understood this. I did not know—I was about to make a suggestion and you are obviously way ahead of me. I should have known.

I did not realize that there was a legal commission in place. My ultimate worry is that if you wait two, three, five years down the road to assert a claim, you will never—I mean, we are seeing that in Cuba today. We are seeing that in all parts of the world that I think make it virtually impossible to ever unite a country.

I am way over my time. I'm sorry.

Is there, in effect, any statute of limitations placed upon any refugee to assert that claim that, notwithstanding the fact they may not feel physically secure enough to go back and assert the claim but to get, in effect, a copy of their—and I'm being somewhat facetious—but like a quit claim deed, that they've got this piece of paper where a tribunal has said yes, 1708 Main Street belongs to you?

Ambassador MONTGOMERY. Senator, that is the whole purpose of this commission. And so, the refugee, then, with this document from the commission, which is a legal document, can either exchange the property for another property, can sell the property, can rent the property, or can try to go back. And having that in hand over the long term will help to facilitate the return.

But, again, I don't think this is going to be a fast process. It won't be an easy process.

Senator BIDEN. Oh, I wasn't suggesting that it would. I think it is impossible, really.

But I thank my colleagues for giving me the additional time here and thank you, Mr. Chairman. I am pleased to hear that answer. I should have known it. I did not.

Senator LUGAR. We will have another round of questions for those Senators who have additional questions. Once again, there is a 6 minute time limit.

This may be a concluding round, so that our panel will have some idea of their obligation.

Clearly, the predictions that things might blow up after the election imply that people have arms and are prepared to use them.

Now one of the important aspects of the Dayton Accords was the fairly explicit instructions as to enclaves or depots, where to put weapons, and the weapon counts of each side. It also called for some destruction of weapons, as I recall, those dealing with anti-aircraft or other specific weapons.

Now accounts have been sketchy as to how that has proceeded. When I was in the area, I heard from commanders that there were a great number of depots. One of the problems was there were maybe 700 or 800 areas where arms were being deposited and it

is very hard to keep control of all this. The number of weapons was uncertain just a fairly short time ago.

Can anybody give a status report on how that part of the Dayton Accords is working because, obviously, it is critical in terms of disarmament or the degree of equity in the sides?

Mr. LONGSTRETH. Mr. Chairman, let me take a shot at it and then maybe John, Bill, or Jim would like to pick it up.

As you correctly point out on, one of the provisions of the agreement is for the formally warring factions to consolidate their weapons in authorized cantonment areas. That has, in fact, largely occurred and, as you correctly point out, there are literally hundreds of these, about 700 designated storage areas.

Of course, IFOR constantly monitors those. It has the right and the authority to inspect those sites and has done so. I believe every single designated cantonment area has now been inspected. We occasionally find discrepancies in what they declared versus what we find.

I would just point out that, while I think that has been a very successful part of the military implementation and we are pleased with the way that has gone, that is not to say that the parties have been 100 percent compliant. As Operation Volcano pointed out, we still come across unauthorized storage sites with, in some cases, large caches of weapons, including heavy weapons. But as Operation Volcano also pointed out, we are not going to tolerate it.

We destroyed some 250 tons of VRS equipment that we discovered. They quickly after that told us about some other sites that had not been authorized and we gave them very clear instructions to consolidate those weapons. They have now done that and I think it has put all of the formally warring factions on notice that IFOR is going to have a zero tolerance policy and that they had better comply.

I think that we are seeing, by and large, compliance. But I have no doubt that there continue to be some unauthorized hidden caches of weapons. We will continue to look for them and if we come across them, we will confiscate them.

Senator LUGAR. What does Dayton ask the parties to do or for IFOR to do? How many of these 700 cantonments have weapons that are going to be destroyed?

Mr. LONGSTRETH. Dayton does not speak to the issue of destructions in annex 1(A). Obviously there is the annex 1(B) that deals with the arms control provisions. And in Article 4 of that annex we now have an agreement in which the parties have committed to achieve certain levels of armaments in tanks, APC's, artillery and the like. That process of dismantlement has not yet begun.

Maybe John wants to add to that. But that particular Article 4 process is ongoing.

Senator LUGAR. Isn't this critical? I mean, we are really late? My impression is that it has not even started. This worries me. It probably worries you, too.

But what is to be done about it? Who is going to act, and if IFOR leaves, what happens to the 700 cantonments? Who looks after all of this then?

Ambassador KORNBLUM. Maybe I can make a couple of comments on that.

First, as I mentioned earlier, when we were talking about the ongoing security tasks, maintaining monitoring of these cantonments is going to be an ongoing task. That does not necessarily have to be an IFOR task or even a military task. But they do have to be monitored, and that will be one thing that we will be focusing on.

The official, if you will, responsibility for this lies with the OSCE. IFOR has been very engaged in monitoring these cantonments, as Mr. Longstreth said, and it is one of the things that will be worked out to make sure they are monitored.

The task here, by the way, in all of these things is to make sure that offensive operations cannot be conducted. I have discussed this numerous times with IFOR officials, and they tell me that they are quite satisfied that under the current conditions and in maintaining the current conditions offensive operations are now virtually ruled out.

Senator LUGAR. But that presumes that IFOR is achieving its mission. The problem that I foresee is what if IFOR leaves?

As you say, perhaps IFOR will leave and maybe it does not have to be done by the military. But the fact is that any offensive operations means these weapons coming back into play.

Ambassador KORNBLUM. That's right.

Senator LUGAR. And so, somebody who wants to put them into play might disregard a civilian police officer or somebody else who does not seem to have the authority of IFOR.

Isn't it a fact that one reason people take this seriously is that IFOR is involved and, without that, how seriously would they take it?

Ambassador KORNBLUM. I agree with you. That is why, as we go into 1997, whatever the arrangements for the security situation are, it is going to be very important for us to make clear, both through word but also through clear definition of, shall we say sanctions, reaction, that these cantonments are to be honored and that any overt move to take weapons out of them will be met with a very strong reaction.

That, again, does not mean that we have to have troops on the ground. For example, air forces can react if necessary.

Senator LUGAR. Well, it does not, just as you say, mean troops on the ground and an air force could react. But are we then back around the full circle?

In other words, we leave and still have the ability to bomb and react with air power as people liberate their tanks or other weapons systems, so that they can proceed with offensive warfare. In short, you are back trying these air strikes to handle it.

Ambassador KORNBLUM. Well, what I was going to suggest is that that would be the ultimate sanction. But if the process is working successfully, which we are determined to make it do, the sanctions against taking weapons out, of threatening offensive military actions, would be much more than that. They would be, for example, the absolute stop of economic reconstruction assistance. They would be extremely strong reactions against Serbia or Croatia, whoever was, shall we say, a country outside.

We will continue to hold Serbia responsible for the overall implementation of this agreement.

So as I mentioned earlier, there is only one way that this process is going to work in the end and that is if everything is connected to everything else, that we have the ultimate sanction of military action but we obviously don't want to use it, and that what we need to be doing is building up a series of structures, both positive ones, that is, things which convince people they should be doing the right things, including helping to rebuild the country, including the reestablishing the normal conditions of lives, but also sanctions which make clear to them that if they are not doing the right thing, there is going to be very strong reaction.

This is going to be the kind of integrated diplomatic strategy which we are developing and which is going to be, I would argue, the key to the success of this in the coming years.

Senator LUGAR. I appreciate your answer and I will not quibble unnecessarily. I would just say that you say the ultimate sanction is military action. This seems to have been the only sanction that has been understood, the reason why we have had some movement to end the fighting.

Ambassador KORNBLUM. Well, you were suggesting what would we do if they actually started moving the tanks out. My suggestion is that we are going to have a lot of things in place which will make it unthinkable for them to do so.

Senator LUGAR. Thank you. Senator Biden.

Senator BIDEN. I have no further questions.

Senator LUGAR. Senator Grams.

Senator GRAMS. Some members on this panel apparently do not have a question or a problem with the words "about" or "approximately," but there are others of us on this panel that do. When we were hearing about this plan and this mission over a year ago, we didn't hear the words "about" or "approximate." We heard deadlines like December 20 and we heard that our forces would be there only for a year and they would be out.

But not to argue or challenge that point, let's move on to another area of "abouts" or "approximates." Prior to the dispatch of American forces to Bosnia, administration officials were estimating the cost at a maximum of \$2 billion. It even started out at \$1 billion, went to \$1.5 billion, and then, maximum, of \$2 billion. There were some of us who questioned that.

A recent GAO study estimates that those costs may now rise to about \$3.5 billion.

I think if you put this in terms Americans can understand, if an American went and ordered an automobile, and the salesman told him it would be \$20,000, then when the car came in he said it's going to be \$35,000, I don't think he'd understand that. And I don't think we should understand this.

So, Mr. Kornblum, I will toss this question to you. Maybe you will want to hand it off.

Can you explain the tremendous disparity between projected and actual costs of the U.S. military operation in Bosnia? And it is only going to get higher if that "about" runs longer than December 20 or even more.

Ambassador KORNBLUM. Well, Senator, I certainly am not an expert on the costs and I will seek fairly rapidly to toss it over to Mr. Longstreth.

Mr. LONGSTRETH. I thought he might do that. [General laughter] Senator, you are absolutely correct. The cost estimates for this operation have risen from the initial cost estimate—and I was there when it was given—of about \$2 billion, up on the Hill in November of 1995.

Senator GRAMS. Not “about.” It was a maximum at that time because we even questioned it. It started out at about \$1 to \$1.5 billion.

Mr. LONGSTRETH. My recollection, Senator, and I certainly will be corrected if it doesn’t reflect the record, is when I was up with the Comptroller, John Hamre, we gave an initial estimate of \$2 billion.

In any case, it has certainly risen. Our current estimate is about \$3.275 billion for the cost of the operation.

Let me briefly summarize where I understand that cost growth has come from. First of all, as I mentioned before, we deployed in rather adverse weather conditions last winter. The deployment went slower than we expected and, as a result, in order to get a substantial force on the ground as quickly as possible, we had to use more air transport than we had expect. Air transport is more expensive. That added partially to the cost.

Second, we required more reserves to backfill in Europe and elsewhere as we deployed our active duty forces, and we simply underestimated the costs associated with that.

Third, and, again, because of the weather, in large part because of the weather, Secretary Perry made the decision to make a number of improvements to basically enhance the quality of life of the troops in theater during the mission and also in part to improve the security conditions. We had security concerns and we wanted to insure the security of our troops on the ground. That, too, added to the cost.

Then, finally, as I mentioned before, we modified the mix of troops in country throughout the course of Joint Endeavor, swapped out some army units, swapped in some MPs, and that added to the cost. We had not initially anticipated that.

All of those factors together have added about \$1 billion, to \$1.275 billion to the cost.

Senator GRAMS. It seems like with most government programs, we always underestimate and the taxpayer is always left to carry the additional bill.

I wanted to ask just one other quick question, too, before we move on. President Clinton did not certify that Iranian soldiers had left Bosnia until June 26, 6 months into the IFOR deployment. But even after that there were signs that some remained behind.

The “Washington Post” reported on July 8 that Islamic militants from Iran and other foreign countries are employing techniques, such as forced marriages, kidnappings, and the occupation of apartments and houses to remain in Bosnia.

So my question would be can the United States convince the Bosnian Government to refuse assistance from Iranian operatives after the departure of IFOR? I mean, we do not want the Iranians involved here.

Is there going to be a way to get some kind of insurance here? Do you believe the Iranians will try to seek to establish their influence in the region?

Maybe, Mr. Longstreth, if you want to hand it off the other way, I will point the question to you.

Mr. LONGSTRETH. I would be delighted. [General laughter]

Senator GRAMS. Good. OK.

Ambassador KORNBLUM. Senator, this has been a major concern of ours, and we have gone through a lot of efforts at various levels to make sure that Iranian influence was kept within bounds which are considered legal. In other words, Iran has diplomatic relations with Bosnia. It has a cultural institute and there is trade. These are considered normal relations.

We do not like any Iranian influence there and we have made clear to the Bosnian Government that it has to be kept within the very normal bounds.

Now there is a number of factors here.

First, there were some people there. You are right about that. Second, Bosnia has virtually no control of its borders. The people do come in and out, sometimes without the knowledge of the government. But, third, we have gotten, I think, very clear both political understanding and practical cooperation from President Izetbegovic and senior officials that any influence which is considered by us—not by them but by us—to be unacceptable will be removed. And, as a condition for the agreement by the President—

Senator GRAMS. How would you remove them? By force?

Ambassador KORNBLUM. I will come to that point. As a condition for moving forward on the train and equip program, we set up a joint council with the Bosnians and we are using our considerable resources to make sure that we try to identify those persons or groups who are not acceptable to us.

We have gone to the Bosnian Government several times with names of persons we consider to be unacceptable and those persons have, to the best of our knowledge, been removed. So we believe that the best thing that we can do is to continue to be utterly watchful, to make sure that we have the political commitment of the Bosnian Government to take the steps, and then to follow up very actively. I can assure you that we are doing that.

So far, our experience has been positive. If we believe that there are elements which need to be removed, as far as we can tell they have been removed.

Senator GRAMS. Thank you very much.

Thank you, Mr. Chairman.

Senator LUGAR. Thank you, Senator Grams. Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

In 4 days we are going to have this election. I am just curious if you can tell us who is in charge of running it? Is it one person or is it a commission? And isn't 1,000 observers a pretty generous number for a country as small as Bosnia?

Ambassador MONTGOMERY. Senator, the OSCE has responsibility for running and supervising the elections in Bosnia on September 14. The mission of the OSCE in Bosnia is headed by Ambassador Robert Frowick, who is an American citizen. He will have with him 1,200 supervisors from abroad, including over 100 Americans, who

actually will be doing the supervising of the election. There will also be over 1,000 international observers coming in under the authority of the OSCE to observe the mission and report on how the elections went.

Senator PELL. Thank you.

Senator LUGAR. Thank you, Senator Pell.

I have just one more question about the election. I believe, Secretary Kornblum, you have testified that, essentially, the local police and the IPTF, the international police, are the first line of defense and security on election day. Given all the supervision that is going to be required there, just how are things likely to work? In other words, if persons feel, first of all, they cannot get to the polls because they have to cross a line or the local people are hostile to their return, who does what in terms of apprehending somebody or clearing the lanes?

In our elections in the United States, there is always some legitimate force available. It could be the local sheriff, the local police department, or someone else. I can recall elections in my own city in which all of these came into play. It was not an easy process.

That is why I am asking is it the hope that because all of these people observing no one will engage in skullduggery or have the nerve to do so? What confidence level do we have about safety given the emotions already demonstrated as folks have tried to return to their neighborhoods and been rebuffed?

Ambassador KORNBLUM. I will have just a couple of comments and then maybe Mr. Montgomery can go into more detail.

Senator, the comment that I made to you at an earlier meeting remains correct. The basic responsibility lies with the local police officials as supervised by the IPTF. We consider this important also simply for the fact that we want people to feel responsible.

At the same time, as planning for the elections has proceeded, all of the questions which you just raised, plus a lot of others, have been considered very carefully and there is now a joint planning team, which meets every day—the most senior officials of IFOR, OSCE, police task force, et cetera—and a very detailed plan has been worked out for a role for IFOR for many of the issues you have just raised.

Also, we are, literally today, putting the finishing touches on a very extensive transportation plan to make sure that the tens of thousands of persons who wish to go away from their current homes to vote somewhere else can also get there.

And so, I heard the figure this morning of 700 buses which has been organized to make sure that people can get to where they are going.

As in every country, including our own, we cannot guard against every single person who wishes to do something bad. We cannot guard against, totally against random violence.

But I think I can assure you that the plan which has been worked out in this security action team is really about as thorough and as far reaching as one could imagine.

Senator LUGAR. That plan is really very important. This goes to Senator Biden's earlier question of how you reclaim your house. But in this particular case, the first step is how you reclaim your vote or your citizenship.

Ambassador KORNBLUM. How you vote, yes. There is a very extensive plan. I think Mr. Longstreth mentioned a few of the contributions that IFOR is making. But IFOR will essentially be on total engagement for the elections on Saturday and Sunday. There are a number of layers of security which will try to make sure that this all goes well.

Senator LUGAR. Will the administration, or IFOR, or some authority now announce this plan, announce really what you have testified to today, that you are meeting daily to work through the details? I think the confidence level of all of this is enhanced by news because there is an intense interest in this country and around the world on what is perceived as an inevitably extremely flawed election. Some even are more disparaging.

It may turn out that way. But it is very important, given all the effort that the United States, IFOR, and others are putting into this, to report thoroughly what we are doing.

Ambassador KORNBLUM. I know that all of this planning is well known inside Bosnia because the physical arrangements are being notified to people. I think we mentioned, I know Secretary Christopher has mentioned some of this planning. But I am happy for the opportunity to do so here again.

I might add that we, in the State Department, also have a 24 hour elections task force which has been going on for the last week and will go on for another week afterward to make sure that we can react immediately and can apply whatever resources the United States can apply as quickly as possible if any problems come up.

Senator LUGAR. Let me just say, parenthetically, that it may well be known in Bosnia, but it is not well known here. My guess is the debate on the future of much of this is going to occur here, as in Germany, England, and elsewhere.

So, hopefully, the word will be more widespread.

Senator BIDEN, did you have a question?

Senator BIDEN. I only have one point. U.S. Marshalls, when they were guaranteeing registration of Blacks in the South, carried guns. And whether or not someone was willing to walk across a bridge to register and/or vote in a small town in a number of states in this nation depended on their knowledge that they knew somebody was there who would, in fact, be able to protect them.

The civilian police in effect do not carry guns. Without IFOR, and it being known to the world that they are there to back them up, it seems to me, it encourages me to know what I did not know, again, that this is well known in Bosnia, because it certainly is not well known, as the Chairman points out, here. I hope it is.

Yes?

Ambassador KORNBLUM. Let me just say that I am very interested in what you say. Again, it is a good opportunity for us to mention it to you here. I think, based on what you have said to us, we will take the point and make sure that it is well known in the United States also.

Senator BIDEN. There is one other thing well known.

I have made private—"private" is not quite accurate—personal contact with Mr. Izetbegovic's party and individuals within it because, rightly or wrongly, I have in the past been seen as sympa-

thetic to the plaintiff, to what was happening to Moslems in Bosnia.

We must make it real clear that anything other than a continued diminution of Iranian influence in Bosnia would result in this country in an incredible diminution of support for any effort in Bosnia. They have to understand that there was a real, practical impact, from our point of view, but there was also a political impact that is geometrically greater in proportion here in this country. Has that been conveyed to Mr. Izetbegovic, who I do not believe has acted as well as I would have liked him to over the last 12 months, particularly the last four months? Has that been conveyed to him in stark terms and to his party?

Is that a fair way to ask it?

Ambassador KORNBLUM. That is a fair way to ask it.

I can give you a fair answer. I would say that it has been conveyed just about in the terms, the words, that you used by a number of people, including myself, on more than half a dozen occasions, if not more than that.

There is no question in the minds of the leadership in the Bosniak side that, not only do we not accept and approve of Iranian influence, but it is very much against their interests to allow it to even be maintained at the level it was.

Senator BIDEN. I would note, parenthetically, if we communicate, if the West communicates that we are out on December 20 and everything is over, we guarantee Iranian influence. But that is a different subject.

Thank you, Mr. Chairman.

Senator LUGAR. Senator Grams, do you have additional questions?

Senator GRAMS. No further questions.

Senator LUGAR. We thank the panel very much for your forthcoming answers. Let me just say that the Congress probably will recess or adjourn September 27 to October 4, and may not be here for hearings such as this one. So, we would like to stay in touch, even to have some type of hearing before we adjourn, to see how the elections came out and the aftermath of the elections.

I mention this in hopes that if we are able to do that, you will come back to give a review, which is important to our committee, to the Senate, and to the public as a whole.

Thank you very much.

Ambassador KORNBLUM. We look forward to that opportunity, Senator, and hope we can, in fact, schedule such a meeting.

Senator LUGAR. Thank you.

The Chair will now call forward additional witnesses and ask that they please come to the table. [Pause]

May we come back to order.

The Chair would like to welcome Ms. Dawn Calabria, Representative of the United Nations High Commissioner for Refugees to the United States; Mr. Anthony Kozlowski, President, American Refugee committee, Minneapolis, Minnesota; Ms. Diane Paul, Helsinki Researcher, Human Rights Watch/Helsinki; Ms. Susan Woodward, Senior Fellow of the Foreign Policy Studies Program of the Brookings Institution, from Washington, D.C.; and Mr. John Fox, Wash-

ington Representative of the Open Society Institute of Washington, D.C.

We welcome each one of you. As I hope you are able to summarize your statement, let me just say that your full statements will be made a part of the record. I will make that general announcement so all of you are reassured of that.

If you are able to summarize your remarks in 5 or 6 minutes, that would be helpful, so that members can then raise questions and have a dialog with you.

I would like to recognize you in the order that I have announced your names. First of all is Ms. Calabria.

STATEMENT OF DAWN T. CALABIA, SENIOR EXTERNAL RELATIONS OFFICER OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES TO THE UNITED STATES, WASHINGTON, DC

Ms. CALABIA. Thank you, Mr. Chairman. I am appearing today to represent Mr. Anne Willem Bijleveld, the UNHCR Representative to the United States, who, unfortunately, was called out of town on family business.

UNHCR has been charged under the Dayton Annex 7 with implementing the return of refugees and the displaced. What we have seen in the last 9 months is the transition from a country at war to a country trying to build a peace.

It has been a very difficult process. In some ways the High Commissioner last January recognized that building the peace in Bosnia would possibly be more difficult than trying to provide assistance during the war. That certainly has been our experience.

We would have to say that there, frankly, has been very little compliance with the Dayton 7 Annexes. There has been a difficulty at a policy level, there has been difficulty at a practical level.

We are concerned that in the efforts to start the returns, UNHCR optimistically projected that perhaps as many as 800,000 persons could return this year. We attempted to start with the internally displaced since those were the people inside Bosnia who needed a way to get reestablished in their communities or in new communities.

In reality, we have seen returns of about 200,000 to about 240,000 persons into Bosnia. At the same time, we have seen the uprooting of another 90,000. So we have pluses and we have minuses.

Of the refugees that have actually returned, we think it is about 70,000.

Senator BIDEN. Was that 7,000.

Ms. CALABIA. It's 70,000. There is no official process for registering. UNHCR has physically organized, assisted, and put in place about 15,000 persons from outside of Bosnia. That is a small number. Most of the returns have been spontaneous, as they generally are, in refugee situations when there is a peace.

UNHCR in April got together with some of the major donors, as we have regularly, through the Humanitarian International Working Group, and made a proposal that we would target certain areas, 18 areas, initially, now 23, where there were possibilities for

return that were not linked to political obstacles. Basically, they were people going back to majority areas.

Those areas included Zenica, the Anvil, the Sarajevo and the suburbs, Mostar, Bihac, Tuzla, and Odzak. In reality, most of the returns have actually occurred to those areas.

We talked about the need for about another \$160 million in international assistance from the World Bank, other donors—to provide housing reconstruction for about 29,000 units. Housing is a key factor in Bosnia because we have a lot of doubling up. We have a lot of people living in collective centers, and it is very important for people to return to their own homes.

UNHCR and its programs provide no assistance to people to repair anything but their own house. As you mentioned, Senator Biden, this is a very difficult question. We know of some successes with the property commission and we have had some difficulties. We have had people who have very courageously gone to court in local areas, in Banja Luka, in particular, and have sued for the return of their property, have gotten the court to agree, have gone back to their homes—to have them destroyed.

So we have difficulties.

UNHCR has been stymied in the effort to have the parties live up to their accords. We have attempted small confidence building measures. We have invested literally hundreds of thousands of man-hours, of sitting down and negotiating, visiting municipalities, visiting villages, talking to individuals in the government at very local levels and at very senior levels.

We have attempted to arrange visits to areas where local authorities would not permit people to return to live. So we have tried to arrange visits to cemeteries, to community centers, to churches, to families. Until August, 80 percent of those visits were impossible. So we were only successful in 2 out of 10. That was our batting average.

We have spent a lot of time trying to think of ways that we could be creative in getting people moving around across the inter-entity boundaries. We decided on a bus system.

Initially, we tried it with private buses. They were stopped. Then we put UNHCR buses with white signs, with local drivers. That didn't work. Then we went to international drivers on UNHCR buses, on agreed on, negotiated routes with step-by-step arrangements. Those have been operating fairly well of late. About 1,100 people a day use those buses. Those buses will be suspended during the elections, from September 11 until September 15.

Everyone is looking at the elections in Bosnia. We are looking very much at the conduct of the elections and the outcome. We are very concerned about the rampant fraud that accompanied the registration process, about the fact that in the Republika Srpska people were forced to register with form 2, saying that they would register and vote and remain in a particular area. It was political manipulation. We have credible accounts that people in collective centers or people seeking food packages were required to prove that they had registered to vote on form 2.

It is obviously not in the spirit or the letter of the Dayton Agreements.

We have been very concerned that the ability of people to return and to stay in their communities is still at risk. As we said, 90,000 people have been uprooted since the signing of the Dayton Accord.

Recently, we decided to try something. We brought together the ministers of refugees and the coordinator of refugee programs. These are supposedly humanitarian officials in all of the governments of the three entities, as well as those of the former Republic of Yugoslavia and Croatia.

The first time those people ever met together in the same room was on July 3. The second time they met was August 30.

As a result of those meetings, we have a tentative agreement for a consultative process to come up with a regional solutions plan that we expect would take about 2 years to implement.

The message that we have been giving is a very straight and direct message. The international community is not willing to have an open-ended check for care and maintenance activities for displaced Bosnian or refugees throughout the region. The international community has had difficulty raising the money that we thought was necessary for our operations this year in Bosnia.

We started out with a budget of \$388 million. We have reduced that to \$353 million. We are, at this point, \$145 million short. We operate on an annual year. So this means that we are three-quarters of the way through our program year and we are \$145 million short.

This means that a lot of services, efforts at reconciliation, efforts at local NGO involvement and capacity building we are not able to do because we are constrained. We have 15 offices operating in Bosnia-Herzegovina. We have staff teams who spend a lot of time and energy trying to watch what is going on, trying to encourage behavior, and trying to insure that supplies go to people that need them.

As I said, we are providing assistance including shelter materials, primarily through UMCOR, the United Methodist Committee on Relief, which originally was going to testify at the end of this hearing. Those materials are available for returnees.

Even if a person comes back spontaneously and needs assistance, UNHCR is permitted to provide that assistance and does so in an active way.

We are also looking very much at the questions of the election and who is going to be permitted to vote. We are very concerned that, in the interest of security in a very tense political situation, the rights of some of those who wish to vote have effectively been disenfranchised.

There will be 19 corridor routes, as you heard in the testimony. Local authorities, IPTF, IFOR will be watching those corridors.

UNHCR has decided to deploy its own staff as visibly as possible on the noncorridor routes. We are encouraging the entities to permit people to cross, people who are not in groups of eight on a bus. Our understanding of the situation means that those people, at least in Republika Srpska, are going to have great difficulty in trying to pass, given the attitude of that government as of yesterday.

We are encouraging and pleading with the authorities to permit the individuals, particularly those refugees and displaced who are seeking to return to their home communities, to be afforded their

very important franchise rights. We ask that those people be treated decently and humanely because the future of the country is at stake.

Finally, we are very concerned, Mr. Chairman, that the 700,000 people in Europe who are under so-called temporary protection schemes not be forced to return at this point in time. UNHCR very clearly—and in my testimony I have delineated it in great detail—laid out conditions before their so-called temporary protection should be lifted in the region.

Most of those closely following the situation in Bosnia are concerned that forced returns would further destabilize a very difficult situation. The conditions that the High Commissioner had laid out very clearly in March and subsequently in a meeting with the donors in May and in August require that there be established functioning mechanisms for the protection of human rights in Bosnia. Unfortunately, that has not happened.

We ask, Mr. Chairman, that the international community maintain its commitment to bring about the building of a peace and secure society in Bosnia and that the opportunities that we have worked so hard to bring about after four years of war will not be allowed to slip away.

We appreciate very much the leadership of the United States in bringing about the Dayton plan and an end to the fighting and, hopefully, the building of the peace.

Thank you, Mr. Chairman.

[The prepared statement of Ms. Calabria follows:]

PREPARED STATEMENT OF DAWN T. CALABIA

Mr. Chairman, on behalf of the United Nations High Commissioner for Refugees, I would like to thank you for the opportunity to present UNHCR's views on the successes and difficulties encountered under the Dayton Peace Accord.

UNHCR welcomed the Dayton Agreement and appreciates the instrumental role which the US government played in bringing about this agreement and an end to the fighting. UNHCR has been the lead humanitarian agency in the former Yugoslavia since 1991, four difficult and dangerous years providing humanitarian assistance and protection/legal assistance to refugees and internally displaced. Because of the presence of the International Force (IFOR), the peace has held. Economic activity is resuming, and the cities and the countryside are seeking to recover from war. Under Dayton, UNHCR is responsible for leading the implementation of Annex 7 dealing with refugees and internally displaced. The war produced 1.2 million internally displaced and some 1.5 million refugees.

In March, UNHCR issued a fund raising appeal for \$388 million for its programs in the former Yugoslavia. \$197 million was for activities in Bosnia and a special \$30 million shelter repair program was created, implemented largely by the United Methodist Committee on Relief (UMCOR), an American private voluntary agency. This program is now repairing 20,000 homes, 15,000 in the Federation and 5,000 in Republika Srpska. UNHCR hoped to assist some 800,000 persons to return home, focusing initially on the settlement of the internally displaced, and then refugees returning voluntarily from abroad. UNHCR and local authorities recognized that refugees could, of course, voluntarily return whenever they wished, but given the housing shortage, it was expected that only those returning to their homes would repatriate. UNHCR estimates that some 200,000 displaced and refugees have returned to Bosnia. Most returns have been spontaneous and overwhelmingly to the so-called "majority areas," that is by persons returning to areas where they are part of the ethnic majority. Unfortunately, during the same period an additional 90,000 persons have been forced from their homes.

The United States, through the State Department's Office of Population, Refugees and Migration, has contributed \$37 million of the \$208 million raised to date for UNHCR's 1996 revised appeal for \$353.5 million for all our activities in the former Yugoslavia. Other major donors include the European Union, Japan, the United Kingdom, Sweden, Norway and the Netherlands. UNHCR's program in Bosnia seeks

to utilize local Bosnian entities and NGO's and to procure as many materials as possible in Bosnia to help jump start local manufacturing and businesses. Let me also note UNHCR's appreciation for President Clinton's recent initiative to provide a special \$5 million contribution to create a Bosnian Women's Initiative, that would through small NGO projects offer opportunities for war affected rural and urban women to become full participants in the economic recovery of their country and to become leaders and decision makers. UNHCR is also working closely with other UN agencies, particularly the World Food Program, World Health Organization and UNICEF to husband scarce humanitarian assistance and target it carefully to those most in need, particularly extremely vulnerable groups, like the elderly, the handicapped, etc. UNHCR also continues our protection activities working in conjunction with OSCB and other partners monitoring, reporting and intervening to safeguard the rights of returnees and minorities.

Through out the conflict in the former Yugoslavia, UNHCR has sought to maintain a flow of public information in monthly situation reports that depict the accomplishments and obstacles faced by our organization in protecting and providing humanitarian assistance to those at risk. These "Information Notes" were circulated widely and continue to be published. I am including copies for the Committee with our testimony. In seeking to facilitate the flow of impartial information about conditions returnees would face inside of Bosnia, UNHCR decided to use the InterNet to distribute a system of Repatriation Information Reports (RIR) that now cover 55 of Bosnia's municipalities indicating the state of municipal services, housing, infrastructure and general security. These reports are available on the InterNet (<http://www2.unhcr.org/>) and are translated into Serbo-Croatian, French and German. Printed copies also are circulated to different government offices and NGOs working with Bosnian refugees and internally displaced persons.

Since Dayton, UNHCR has organized the voluntary return to Bosnia of some 14,755 persons including 718 from the Former Republic of Yugoslavia and small numbers from the US, Turkey, Great Britain, Norway, Pakistan, Jordan and Denmark. UNHCR is now expecting far fewer than 800,000 persons to return this year because of the significant problems encountered: fear of reprisals, lack of freedom of movement, the reluctance of local authorities to the return of minorities to ethnic majority areas, and the great need for housing and infrastructure construction or rehabilitation. In June, Mrs. Ogata told the Florence Peace Implementation Council meeting that, regrettably, there has been little progress in finding solutions for the majority of the 2 million uprooted by the war.

"The main problem is that a fundamental objective of the war remains unresolved. Some leaders are still trying to pursue in peace the goals they pursued in war," said Mrs. Ogata. "While we (UNHCR) want to assist people wishing to return to their homes of origin, which will also help to bring the country back together again, they want ethnic division to prevail." The High Commissioner urged that the international community resolve to make the parties abide by their commitments under Dayton. "Many people will not come back in a climate of political separatism and confrontation, if they do not feel safe or cannot move freely," she said.

To increase the rate of return to ethnic majority areas where there were no political obstacles, UNHCR released a plan that would target 18 key areas in Bosnia for an international reconstruction effort that, if implemented, could help some 145,000 people return to their war-damaged homes this year. An outline of the plan is Attachment I. The plan now encompasses 24 Bosnian communities where there are no political obstacles blocking return, but where, if reconstruction of housing and infrastructure (electricity, water supply, health, and education) were speeded, tens of thousands more could go home. The plan has been well received by the international community and would repair more than 29,000 homes so that the displaced could return to their own homes, thus freeing up other housing for other displaced or refugees. This initiative, which would cost between \$160 and \$183 million, needs to be undertaken by bilateral and multilateral aid programs in Bosnia to bridge humanitarian assistance with rehabilitation and reconstruction assistance from the World Bank and the European Commission. The World Bank recently contributed \$30 million to an Emergency Housing Repair Project that dovetails with this proposal, to repair public housing, and to weather proof structures. Through such efforts, UNHCR and the international community can encourage cooperative local communities and authorities in Bosnia to better accommodate returnees.

But our most difficult task in Bosnia, to which UNHCR remains committed, is facilitating the voluntary return of refugees and displaced to ethnic minority areas. At this point, regrettably, most people are not permitted, prepared nor able to go back. UNHCR has sought to encourage and facilitate confidence building visits across inter-entity boundary lines. In consultation with the High Commissioner, IFOR and the International Police Task Force, we have signed agreements with all

the parties and developed a UNHCR cross boundary bus system staffed with international staff which now operates in 9 areas. Yet there were recurring difficulties with the operations of these bus links across inter-entity lines, particularly with the Republika Srpska. At one point visas were requested, as if these were citizens of another country. UNHCR also has sought to organize visits by ethnic minorities to their former places of origin, to their community's cemeteries, etc. Until August, 80% of these organized visits were blocked by Croat and Serb authorities. In July we had one success: a Bosniak delegation was able to visit Mrkonjic Grad on July 10. Early in September, 75 Bosniaks were permitted again to return to Stolac to rebuild their houses, this time with freedom of movement. An unorganized return of 100 Bosniak DPs to Mahala, an abandoned community in RS, resulted in police harassment and beatings. After negotiations and investigations, 75 Bosniak homeowners from this community were permitted to return. Sadly on Sept. 3, UNHCR had to evacuate 11 Muslims from Banja Luka to Croatia; and UNHCR is concerned about reports of harassment of Serbs remaining in Sarajevo.

UNHCR staff have to persist in efforts to facilitate returns. They visit communities, meet with local and more senior officials in what seems a continuous round of consultations, oversight, negotiation, and reminders of the Dayton Agreements. These efforts to date have required patience, persistence and endless step-by-step local confidence building measures to bring parties together at the local level, engaging in local conflict-resolution to work at reconciliation to facilitate returns. Our efforts are to keep alive the uprooteds' hope for return, but based on the reactions of representatives of refugees and displaced from all over the former Yugoslavia at a September 3-5 meeting sponsored by the Council of Europe and Oxfam, with the support of UNHCR, the Embassy of Local Democracy, and the Office of the High Representative, the uprooted are increasingly impatient, disappointed and restless.

Two historic meetings of Refugee Ministers and Commissioners from Bosnia-Herzegovina (Republic, Federation and Republika Srpska), the former Republic of Yugoslavia and Croatia were convened by UNHCR, first in Budapest in July, and in late August in Montenegro. There an agreement was secured for all of the Republics to engage in a formal consultative process with UNHCR to prepare a two year Regional Solutions Plan for the voluntary return, integration or resettlement of the remaining displaced and refugees. UNHCR's Special Envoy for the former Yugoslavia, Mr. Soren Jessen-Petersen urged these ministers dealing with humanitarian issues to understand that UNHCR faced difficulty raising funds and that the international community was unwilling to fund an open-ended care and maintenance program, and wanted authorities to live up to their agreements under Dayton. UNHCR is also hopeful that the recent normalization of relations between FRY and BH and contacts between FRY and BH suggest the development of a political framework that would make voluntary repatriation and reintegration possible.

At the Florence Peace Implementation Council meeting in June, the French proposed that the upcoming Bosnian elections proceed, but that in two years another round of elections take place. How these elections are conducted and carried through will be important to the future direction of Bosnia and Herzegovina and the resolve of the international community to stand by the Peace Accord and its full implementation. UNHCR has urged that the holding of elections and refugee participation in the elections, which should be encouraged, should be delinked from the lifting of temporary protection of Bosnian "refugees" in Europe. UNHCR was pleased to learn that a large percentage of refugees abroad chose to participate in the elections and have already voted.

Now the focus of UNHCR and the world is on the conduct and outcome of the elections in Bosnia. In late August UNHCR's Special Envoy expressed grave concern that "results of the registration for the September election herald a dismal future for multi-ethnicity in Bosnia and Herzegovina." (See Attachment II.) UNHCR remains concerned that in establishing the 19 voter corridors secured by IFOR and IPTF for transit across inter-entity lines for groups of 8 voters travelling in buses, security concerns have taken precedence over freedom of movement, a basic tenet of Dayton, and the individual's right to vote. Thus an understandable concern about security in a tense situation may result in the effective disenfranchisement of thousands of voters without access to buses and possibly put at risk those seeking to vote. UNHCR has decided to visibly deploy our staff on the open noncorridor routes, to monitor and observe conditions and report on any irregularities encountered. Our hope is that these "non-corridor" movements of voters, too, will be permitted, so that all who wish to vote for the future of their country may do so.

For UNHCR, the past nine months seem to be a transition period from war to peace in the former Yugoslavia. Conditions are not ideal. Fear and tensions persist, and yet there are hopeful signs. Patience and the persistent attention of the international community are required to encourage the parties to live up to the Dayton

Agreements. The international community must also see to it that resources and support are available to those communities that cooperate in this undertaking. UNHCR has reiterated that temporary protected status for those who fled the former Yugoslavia should not be lifted at this time, nor should mass returns be instituted. UNHCR has several times publicly explained what conditions must occur in Bosnia before temporary protection schemes could be lifted. Permit me to summarize these conditions for the record.

The conditions established for lifting temporary protected status were: first, the implementation of the military provisions of the Peace accord, which have been met; second, an amnesty for crimes other than serious violations of international humanitarian law, as defined in the Statute of the International Tribunal for the former Yugoslavia, and for other common crimes unrelated to the conflict, must be in place and observed; and third, the establishment and functioning of mechanisms for the protection of human rights, such as the Commission for Displaced Persons and Refugees responsible for the adjudication of property claims and the award of just compensation (annex 7), the Commission on Human Rights composed of the Office of the Ombudsman and the Human Rights Chamber (annex 6), international human rights monitoring missions and the International Police Task Force. Regrettably, these two last conditions, including freedom of movement, a fundamental human right, have not yet been met. Most responsible governments have agreed that the lifting of temporary protection should not be done unilaterally by any government and that, furthermore, large scale returns to Bosnia before these conditions are in place could be further destabilizing.

Mr. Chairman, UNHCR appreciates the support of the international community, particularly the US, in offering refugee resettlement to that small number of refugees to date from the former Yugoslavia who are unable or unwilling to return to their former homelands. This group has included former detainees, victims of violence, former Abdic supporters, some in mixed marriages, and close relatives of persons already resettled. From 1992 until 1995, UNHCR individually recommended for third country temporary protection or resettlement and successfully found havens for some 38,215 persons, 8,206 of whom came to the USA. To date in 1996, 5,042 refugees at risk have been resettled, 2,800 to the USA. (A chart depicting the placements is Attachment III). UNHCR continues to find the third country resettlement of refugees at risk an important component of international refugee protection in the former Yugoslavia, although voluntary repatriation and reintegration in safety and dignity or local integration remain the preferred solution for most of the world's 14.5 million refugees.

Mr. Chairman, UNHCR appreciates your continued interest in the effective resolution of the Bosnian conflict and in building the peace. We particularly applaud the willingness of the Congress to assist UNHCR in protecting refugees and displaced during the conflict and now, in the difficult, but important humanitarian work of finding timely durable humane solutions for those uprooted by this conflict.

ATTACHMENT I—PRIORITY AREAS FOR RETURN

[In U.S. millions ¹]

Area Number	Priority Area	No. of Houses to be repaired	No. of beneficiaries	Estimated Costs
	Zenica Canton			
1	Travnik (six villages)	960	4,800	18.78
2	Kiseljak	1,200	4,800	6.00
3	Busovaca	201	845	1.00
4	Fojnica	N/A	N/A	N/A
5	Anvil Area	8,000	50,000	40.00
	Mrkonjic Grad			
	Sipovo			
	Kljuc			
6	Sarajevo and Suburbs	11,000	55,000	45.55
	Mostar Area			
7	Kupres	912	4,800	8.30
8	Livno	180	1,800	1.20
9	Glamoc	120	2,000	1.00
10	Konjic	180	1,800	1.33
11	Mostar East	1,296	7,200	9.88
12	Jablanica	108	1,800	0.95
	Bihac Area			

ATTACHMENT I—PRIORITY AREAS FOR RETURN—Continued

[In U.S. millions¹]

Area Number	Priority Area	No. of Houses to be repaired	No. of beneficiaries	Estimated Costs
13	Kljuc, others to be identified Tuzla Area	N/A	N/A	N/A
14	Celic	204	1,000	2.72
15	Kalesija (Seljeble)	114	675	1.52
16	Teocak	576	2,304	7.67
17	Zvomik/Sapna	488	1,800	6.51
18	Odzak	1,000	5,000	8.00
	Totals	26,539	145,624	160.41

¹ Costs in this table are only for shelter and do not include other infrastructure.

ATTACHMENT II

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

STATEMENT BY SOREN JESSEN-PETERSEN, UNHCR SPECIAL ENVOY FOR FORMER YUGOSLAVIA

Results of the registration for the September election herald a dismal future for multi-ethnicity in Bosnia and Herzegovina.

In the run up to the elections, nationalistic political leaders are playing the ethnic/sectarian card, drumming up support within their constituencies by playing on bitter memories or fear.

UNHCR's growing concern is that the tactics used in the campaign will produce hard-line winners and xenophobia nationalists committed to the maintenance of hostile homogeneous statelets.

Only a small fraction of voters displaced from Republika Srpska have chosen the option of voting in their pre-1991 place of residence. Some have not even been given that option. We have received reports of Bosnian Serb authorities discouraging people from choosing the Registration Form 1 to vote in their original place of residence. In some cases, the authorities threatened to withhold humanitarian aid to coerce voters to opt for Registration Form 2. We know only of cases of people who had the courage to report them. The real scale of the problem, however, may be much greater.

By registering with form 2 hundreds of thousands of displaced Serbs have been effectively denied the option to return to their homes in flee Federation.

The country is de facto divided. It is the vote of those who opted for Form 1 that can reverse a slide toward ethnic purity.

It is the duty of UNHCR to warn that unless all refugees and displaced people are allowed to vote freely on election day and unless the results of the elections are fully enforced, the winners once again will be those who waged the war and the losers will be their victims, i.e., refugees and displaced people.

ATTACHMENT III—TEMPORARY PROTECTION/RESETTLEMENT FROM THE REGION UNDER THE AUSPICES OF UNHCR

COUNTRY	DEPARTED Oct. 92 thru Dec. 95	1996 QUOTA	REMARKS	SUBMITTED (Awaiting decision)		ACCEPTED (Not yet departed)		DEPARTED		REMAINING QUOTA
				Cumulative		Cumulative		Cumulative		
				Cases	Persons	Cases	Persons	Cases	Persons	
ARGENTINA ¹	0			0	0	1	4	0	0	0
AUSTRALIA ¹	770	1,600	(²) (³) places (800 HRV+800 YUG)	76	220	207	604	220	470	OPEN
AUSTRIA	424			16	33	0	1	4	5	0
BELGIUM	182			1	2	0	0	23	25	0
CANADA ¹	1,282	4,200	(²) (⁴) places (2,350 YUG+1,700 HRV+150 HUN)	102	283	13	50	172	524	OPEN
CZECH REPUBLIC	361			3	7	0	0	0	0	0
DENMARK	6,877			6	12	6	15	38	84	337
FINLAND ¹	681	500	places	1	18	20	96	146	282	302
FRANCE	930			1	4	0	0	75	78	0
GERMANY	3,156			8	20	0	0	1	6	CLOSED
GREAT BRITAIN	1,968	530	places effective as of August 1995	25	61	10	31	66	160	107
GREECE	3			0	0	0	0	0	0	0
ICELAND	0	25	places	0	0	7	32	0	0	0
IRELAND	92	250	places effective as of August 1995	3	9	2	9	24	55	81
ITALY	175			0	0	1	4	0	0	0
LUXEMBOURG	13			7	32	0	0	0	0	0
NETHERLANDS	512			9	28	12	21	11	13	0
NEW ZEALAND ¹	84			1	8	1	1	0	0	OPEN
NORWAY	3,034			31	67	23	101	57	165	PENDING
SLOVAKIA	0			1	6	0	0	0	0	0
SPAIN	666	550	places effective as of November 1995	1	1	1	5	0	3	0
SWEDEN ¹	4,767			111	222	25	62	27	50	PENDING
SWITZERLAND	2,763			13	32	3	5	12	12	CLOSED
USA ¹	8,206	15,000	(²) places	781	2,508	333	954	809	2,081	OPEN
OTHERS	1,268									0
TOTALS	38,214			1,197	3,573	665	1,995	1,685	4,022	827

¹ Resettlement countries.² Including other than UNHCR referrals.³ Out of 1,600 places, 800 are for processing in ZAG and BEL respectively.⁴ Out of 4,200 places, 3,250, 1,700, 150 are for processing in BEL, ZAG and BUD respectively; places: referring to Principal Applicant and dependants.

Senator LUGAR. Thank you very much, Ms. Calabia.

Let me just say for the sake of trying to bring some order to our hearing that I will put a time clock limit of, say, 7 minutes, so that when the bell rings, you will know that that ought to be about your time. We really do want to have time for each one of you to have a presentation and for ample questions afterward. Mr. Kozlowski.

**STATEMENT OF ANTHONY KOZLOWSKI, PRESIDENT,
AMERICAN REFUGEE COMMITTEE, MINNEAPOLIS, MN**

Mr. KOZLOWSKI. Thank you, Mr. Chairman. Thank you for the opportunity to be able to testify this morning.

Thank you, Senator Grams, for your kind words earlier this morning.

I appreciate the opportunity to present the American Refugee Committee's views regarding the important role of private voluntary organizations, such as my own, in continuing to help the people of Bosnia recover from the horrors of the last 4 years.

The American Refugee Committee was established in 1978 and today has health care, training, and rehabilitation programs for persons uprooted by war or civil conflict in 11 countries.

ARC, as it is known, has been operational in the former Yugoslavia since 1993, providing trauma counseling, essential health care and rehabilitation activities which promote reconciliation between the various ethnic groups.

With USAID funding last year, ARC launched a successful program to bring former rivals together to work cooperatively in central Bosnia, rebuilding war-torn homes, schools, and markets. Today, these homes and markets are filled with Bosnian Croats and Muslims living and working together. This work is continuing.

The rehabilitation of Bosnia is a daunting challenge, one that the Bosnian people cannot assume alone. Bosnia has lost thousands of specialists during the war and a viable government, as we know, has not had a chance to emerge from the war, much less to build a civil society.

Consequently, the people of Bosnia require the continued presence of and assistance from private voluntary organizations whose staffs are comprised of expatriate and national specialists that have a proven track record. This is not one man's opinion. It is based on the expressed views of the refugees that we are dealing with in Bosnia and Croatia on a daily basis.

Without fail, they are telling our staff that, as they return to their communities, they need help in rebuilding homes, schools, in finding employment, and in establishing businesses, in restoring water and electrical services, and other infrastructure needs—not only financial support, but expertise and guidance, and especially a foreign presence working with them as a measure of security and support.

We strongly urge the U.S. Government to continue providing reconstruction assistance through private voluntary organizations which can continue to be effective and efficient partners with the people of Bosnia until they can, once again, become more self-reliant and live in peace with one another.

Private voluntary organizations have the presence and capacity to help implement sustainable projects, which will have long-term

benefits for the people of Bosnia. Usually, PVO's, such as the one I represent, are able to implement rehabilitation projects at a much lower cost than commercial firms. We understand that much of the U.S. Government funding for Bosnia for fiscal year 1997 in the humanitarian domain or the civil domain is being funneled through large rehabilitation projects with a closed bidding process involving for-profit firms, many of which are new to Bosnia.

It is a mistake, in our opinion, to limit U.S. foreign assistance in this way. These projects tend to be top-down and will only partially meet the needs of the uprooted people and other vulnerable groups who are receiving only emergency relief and have little opportunity for employment.

These projects tend to promote existing businesses, rather than creating income generation opportunities for those in desperate need to support themselves.

These projects involve for-profit concerns that have little, if any, experience working in the often difficult environment of Bosnia. If they replace private voluntary organizations, many years of experience and expertise of working with the people will be lost.

What do we believe is the better approach? We believe that infrastructure and social assistance projects will require the participation not only of private business and government but also private voluntary organizations.

To facilitate the return of refugees and the internally displaced and the economic recovery in Bosnia, some \$30 to \$50 million should be set aside for PVO's to implement projects to rebuild housing, provide jobs, and foster free enterprise at the grassroots level.

The fear today, as we have heard and as we know, on the eve of the elections in Bosnia is that the results will reinforce the ethnic divisions in this country rather than promote ethnic tolerance.

The only hope for a lasting peace in these circumstances is the continued presence of external peace forces beyond the current IFOR mandate, and substantial reconstruction assistance structured and delivered in such a way as to encourage the millions of uprooted people to return to their places of origin, and to encourage these people—Muslims, Croats, and Serbs—to encourage them to cooperate with one another in rebuilding their lives and their country.

From our experience on the ground, we know it can be done. Let us give the people of Bosnia that chance.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Kozlowski follows:]

PREPARED STATEMENT OF ANTHONY KOZLOWSKI

I appreciate the opportunity to present the American Refugee Committee's views regarding the important role of private voluntary organizations (PVOs), such as ARC, in continuing to help the people of Bosnia recover from the horrors of the last four years.

The American Refugee Committee was established in 1978 and today has operational programs in eleven countries in Europe, Africa, and Southeast Asia. We provide health care and training, rehabilitation assistance, and other humanitarian aid to refugees and internally displaced persons who have been uprooted by war or civil conflict. About 80 percent of the people we assist are women and children.

ARC has been operational in the former Yugoslavia since 1993, working as an effective and efficient partner with funding organizations and agencies such as the US

Department of State (PRM), USAID, the United Nations, as well as using ARC's own financial resources.

Since 1993, our specialists have been providing essential psycho-social counseling to victims, addressing traumas so they would not fester into more chronic problems such as depression, alcoholism, domestic violence and juvenile delinquency. These could compromise the society's ability to come back and thrive again. We provided critically needed health care, and we helped bring former enemies together to work cooperatively in central Bosnia, rebuilding war-torn homes and markets—which today—are filled with Bosnian Croats and Muslims living and working together peacefully. This work is continuing.

It is essential to address these human needs of the war's victims because it is these people who must bear the burden of responsibility in rebuilding their society and their lives. But, they cannot yet do it alone. Bosnia has lost thousands of specialists during the war, and a viable government has not had a chance to emerge. A civil society has to be built after the long Communist regime. Consequently, the people of Bosnia require the continued presence of, and assistance from private voluntary organizations whose staffs are comprised of expatriate and national specialists that have a proven track record working side-by-side in this crucial recovery phase.

This is not one man's opinion. It is based on the expressed views of refugees the ARC staff is dealing with in Bosnia and Croatia. Without fail, they are telling our staff that they fear returning to areas not controlled by their particular ethnic groups. And if they return, they need help in rebuilding homes, schools, in finding employment and establishing businesses, in restoring water and electrical services and other infrastructure needs. Not only financial support, but expertise and guidance, and especially a foreign presence working with them as a measure of security and support.

The people recognize they cannot yet do this alone. And at this point, they are unsure of their government's ability to rebuild their society in an efficient and effective manner.

We strongly urge the United States Government to continue providing reconstruction assistance through private voluntary organizations as effective and efficient partners with the people of Bosnia until they can, once again, become more self-reliant and live in peace with one another.

Private voluntary organizations have the presence and capacity to help implement sustainable projects which will have long term benefits for the people of Bosnia. Usually, PVOs, such as the one I head, are able to implement rehabilitation projects at a much lower cost than commercial firms.

Today, the jobless rate in Bosnia remains high, greater than 90-percent in many areas. Twenty percent of the homes are damaged or destroyed. In some communities, the majority of the buildings are damaged. Refugees, still unable to return home, wonder what their futures hold. And how can they possibly do what needs to be done alone. It is overwhelming for them to consider.

ARC's trauma counselors are working with groups of refugees who are experiencing chronic anxieties and feelings of being overwhelmed and bewildered about what to do and how to start. They want and need our assistance and supervision. They are asking for a helping hand—a hand UP, not a hand Out.

Let me share with you a real success story that demonstrates the effectiveness of PVO involvement in reconstruction and reconciliation. ARC received a \$2 million USAID grant during the spring of 1995. We faced a daunting task: to bring together former bitter enemies in several divided communities in central Bosnia, convince the people to work together in a cooperative fashion, and work in teams rebuilding their decimated neighborhoods. Some thought it couldn't be done. Even the mayors of those communities were skeptical.

Our staff did the seemingly impossible. In a matter of a few months, Bosnian Croats and Muslims who had once brandished weapons against each other, were instead picking up hammers and saws in a constructive partnership with a positive goal. By the fall of 1995, these teams, had rehabilitated homes and apartments for hundreds of people, Croat and Muslim families, who learned to live together again in peace.

Those workers who made it possible forged or renewed friendships. Even the mayors of those divided communities are meeting again, and maintaining open communication.

In Novi Travnik, in central Bosnia, ARC staff rehabilitated a major commercial center. Today, that center is bustling with activity. The center has rented space to Bosnian Croat and Muslim shopkeepers who are supporting themselves and their families through free enterprise.

During a recent visit to Bosnia, one of these shopkeepers told me that what we did in central Bosnia represents in a microcosm what is required throughout the whole country: namely, an external stimulus and presence to encourage Bosnian Croats, Muslims and Serbs to reject ethnic hatred and begin living and working together again as they did before the conflict.

We would like to build on this success and continue working side by side with the people of Bosnia to overcome the ethnic divisions. This is essential for a lasting peace. But private voluntary organizations need the resources to continue to do so.

We understand that much of the U.S. Government funding for Bosnia for Fiscal Year 1997 is being funneled through two large rehabilitation projects with a closed-bidding process involving "for-profit" firms, many of which are new to Bosnia.

It is a mistake to limit U.S. foreign assistance in this way. Let me explain.

These projects tend to be top-down and will only partially meet the needs of the uprooted people and other groups who are receiving only emergency relief have little opportunity for employment.

These projects tend to promote existing businesses, rather than creating income-generation opportunities for those desperate to support themselves.

These projects involve "for-profit" concerns that have little, if any, experience working in the often difficult environment of Bosnia. If they replace private voluntary organizations, many years of experience and expertise of working with the people will be lost.

What do we believe is the better approach:

- We believe that infrastructure and social assistance projects will require the participation of not only private business and government, but also private voluntary organizations; and
- To facilitate the return of refugees and the internally displaced, and economic recovery in Bosnia, \$30 to 50 million dollars should be set aside for PVOs to implement projects that provide jobs and foster free enterprise at the grass roots level.

The fear today on the eve of the elections in Bosnia, is that the results will reinforce the ethnic divisions in this country rather than promote ethnic tolerance. The only hope for a lasting peace in these circumstances is the continued presence of external peace forces beyond the current NATO/WOR mandate, and substantial reconstruction assistance structured and delivered in such a way as to encourage the millions of uprooted people to return to their places of origin. And to encourage these people—Bosnian Muslims, Serbs and Croats—to cooperate with one another in rebuilding their lives and country. From our experience on the ground, we know it can be done. Let us give the people of Bosnia that chance.

Senator LUGAR. Thank you very much, Mr. Kozlowski. Ms. Paul.

STATEMENT OF DIANE PAUL, HELSINKI RESEARCHER, HUMAN RIGHTS WATCH/HELSINKI, NEW YORK, NY

Ms. PAUL. Chairman Lugar, on behalf of Human Rights Watch, I would like to thank you for your strong interest in human rights and for inviting us here today.

I would like to open with a quote by Warren Zimmerman, former Ambassador to Yugoslavia, who said that those who practice diplomacy need constantly to be reminded of the human damage their efforts or lack thereof can cause.

Mr. Zimmerman's advice leads us to raise issues about security for voters on election day and for the continued protection of people in Bosnia and Herzegovina.

Now, it may be that the elections do not result in any serious security incidents. But Fred Cuny, the humanitarian worker who disappeared in Chechnya last year, taught me something when I worked with him on a protection study in Bosnia. Fred would say that people tend to minimize risks and that they fail to make contingency plans. When human lives are potentially threatened, Fred said, "you must hope for the best, but you'd better plan for the worst."

First, I must say that we are very concerned about U.S. pressure on the human rights mission of OSCE to openly and truthfully report on human rights conditions. They have questioned, in some respect, the right of respected diplomat Edward Van Thijn, former Mayor of Amsterdam and chair of the independent observer mission, to freely state his opinion.

There has already been one high level resignation within OSCE and that was the resignation of Bill Steubner, who left largely because of his concerns about human rights concerns being downplayed.

We have very many concerns also about the failure of OSCE and the Office of the High Representative to publicly reveal information they have about serious threats toward voters, and we fear that these may have serious repercussions for those citizens who attempt to exercise their right to vote.

A human rights monitor for OSCE recently told the "New York Times," "We could find hundreds of cases of voter intimidation, but they just can't absorb the problem and they don't want to hear about it. Their job is to make an election."

Human Rights Watch has called on the OSCE, the Office of the High Representative, and the contact group to postpone this election to create pressure for renewed effort to bring the parties into compliance with critical aspects of the Dayton Agreement and to create the conditions necessary for free and fair elections.

I would like you to know that this was not a decision that we made lightly. We spent many, many long hours and we lost a lot of sleep, quite literally, on debating these issues. But we felt that the focus really all along should be on conditions. We did not want to make the focus on the elections themselves, but, rather, on what needed to be done to create the conditions so that they could go forward.

But, ultimately, we realized that the reality of the situation is that the elections would, in fact, go forward.

We recommend very decisive steps be taken to reduce risk up to and following election day.

Now we have reports and information from our own people on the ground in Bosnia, and I speak with people in Bosnia every single day, both sources within OSCE and also with our own Human Rights Watch representative in Bosnia. We have information and supporting documentation which indicates that there is a very real possibility of election day violence toward voters, especially but not limited to Republika Srpska.

Reports from the Human Rights Center of the Office of the High Representative which were received unofficially by Human Rights Watch indicate some of the very serious threats that have been made. There have been demands issued in very similar language by municipal authorities across Republika Srpska regarding how many voters would be permitted to cross the entity boundary line, where they could cross, and where they could vote.

I would like to just tell you about a few situations that have come to our attention.

In Ugljevik, Mayor Miladin Stejpanovic said, "if 700 Bosniaks come to Ugljevik to vote in person, you can monitor the Battle of Kosovo in 1996." He previously threatened to take hostage and im-

mediately kill international police monitors if there was any attempt to capture Radovan Karadzic or Ratko Mladic.

On August 16, Chief of Police Simo Drljaca in Prijedor, which is also in Republika Srpska, threatened that, "if Muslims are allowed to vote in all 86 polling stations in Prijedor, there will be no elections." When questioned about this statement by the OSCE, Drljaca replied, "Do you want another war?" This is certainly not the first time that Drljaca has issued such threats.

On August 27, Drljaca and the major of Prijedor informed international officials that only buses traveling on specified routes would be permitted to cross the IEBL and that local Republika Srpska police reserve the right to search individuals traveling on those buses for firearms or explosives. He said that special polling places would be reserved for "foreign voters."

In Banja Luka, Chief of Police Stojan Davidovic promised cooperation with the U.N. International Police Task Force on August 20, but later said, "the possibility of provocations and incidents cannot be excluded."

According to a NATO spokesperson, on September 4, IFOR troops discovered that local Serb police in Banja Luka were transporting numerous unauthorized weapons, including an anti-aircraft gun, a multiple barreled rocket launcher, and a 12.7 mm machine gun. When IFOR attempted to confiscate the weapons, they were surrounded by an angry mob and barely averted an attack by shooting over the heads of the crowd. We would like to know what the police need with such weapons and where they were going with them just before election day.

Also in Banja Luka, UNHCR has decided that it was time to evacuate 31 Bosniaks who had recently been evicted from their homes in the area due to threats against them and the apparent impossibility of their returning to their homes at all. I have to say that, knowing personally the protection officers and the repatriation officers in UNHCR and Bosnia, that that decision was not taken at all lightly.

There have been too many threats to really go into detail, but I can tell you that they are very widespread. We have concerns on the Federation side as well. In Stolac and Capljina, for example, we have heard rumors that there could be direct attacks against Bosniaks returning to vote. Also we are very concerned about the behavior of the Federation authorities in Bihac, Cazin, and Velika Kladusa especially.

The security problem is that, while we recognize and appreciate the effort made by IFOR, OSCE, and other groups to plan the 19 routes that have been discussed, and while we understand that it is not possible to protect all routes on election day, we are very concerned that the plans may, in fact, limit the number of voters who can actually cross the IEBL to exercise the right to vote because the plan calls for bus traffic only.

Now I have to differ with Mr. Kornblum's assessment of 700 buses because my information—and this is quite fresh—is that there are many fewer buses, indeed, available.

If I could just make one more brief comment, it is that IFOR is not prepared to deal with a lot of the problems that may come up if crowds gather at the IEBL. So if the buses are not able to trans-

port, if a lot of people come to the IEBL to cross over and the buses are not there to take them, the buses are making the loop around and crowds gather at the boundary line, there could be very serious problems.

IFOR is not equipped with riot gear. They are not trained to handle riots. As they have said, it is the local police, some of whom I have just described to you, who are responsible for the security and protection of voters.

There is no accountability in that process. In my submitted testimony, I have outlined some of the recommendations made by Human Rights Watch to build accountability, because the International Police Task Force, without the support of Mr. Bildt and the international community, will not be able to hold police accountable for their actions. And right now, police serve as instruments of terror for hard liners and extremists throughout Bosnia-Herzegovina. Thank you.

[The prepared statement of Ms. Paul follows:]

PREPARED STATEMENT OF DIANE PAUL

HUMAN RIGHTS AND THE BOSNIAN ELECTIONS

Good morning, Chairman Lugar. Thank you for inviting me to testify at this important hearing. We appreciate your personal interest in human rights in Bosnia, and your strong leadership in this area. This morning I will focus on the human rights climate in this week before the September 14 elections, and include policy recommendations for the weeks and months following the elections.

Mr. Chairman, during the past months, as it became clear that the conditions for free and fair elections did not exist, an elaborate off-Broadway production of the children's story "The Emperor's New Clothes," directed by Bill Clinton, and produced by the OSCE, has been written and rehearsed. The members of the cast, American officials at OSCE and in the State Department, know their roles only too well. But the most important line in the play has of course been cut—the one where a child says in innocent astonishment, "But, the Emperor is naked!"

Elections in Bosnia and Herzegovina are not really about creating a democracy and promoting human rights. They are about creating an illusion, so that an American presidential election can go smoothly, so the difficult situation in Bosnia can be glossed over and American troops can start to come home. To this end, American officials have attempted to gag human rights monitors and have questioned the right of respected diplomat Edward van Thijn former Mayor of Amsterdam and Chair of the Independent Observer Mission, to freely state his opinion. These actions, and the failure of the OSCE and the Office of the High Representative to publicly reveal the information they have about serious threats toward voters, are not only unethical, but may have serious repercussions for those citizens who attempt to exercise their right to vote.

Human Rights Watch has called on the OSCE, the Office of the High Representative, and the Contact Groups to postpone this election, to create pressure upon the international actors to concentrate on a renewed effort to bring the parties into compliance with critical aspects of the Dayton agreement; to create the conditions necessary for free and fair elections.

In the interest of those citizens who may risk more than they realize to vote on September 14, we strongly recommend that decisive steps be taken to reduce risk up to and following election day. We also call upon the international community to think now about the post-Dayton human rights situation, so that the maximum leverage available to the international community, now, before the end of the Dayton year, can be mobilized in the service of human rights. This is a decisive moment.

Protection During the Parliamentary and Municipal Elections

Human Rights Watch has obtained information and supporting documentation which indicates that there is a very real possibility of election-day violence toward voters, especially in Republika Srpska.

Reports from the human rights centre of the Office of the High Representative, reviewed by Human Rights Watch, indicate that serious threats have been made against voters, mostly by Bosnian Serb authorities, and demonstrate the organized

nature of Serb resistance to cooperation with the freedom of movement necessary for voting. Municipal authorities in many towns issued demands in concerning similar language concerning how many voters would be permitted to cross the IEHL where they could cross, and where they could vote.

- Human Rights Watch/Helsinki has obtained information that posters of indicted war criminal Radovan Karadzic have been put up inside polling places in Banja Luka, a town in northern Republika Srpska (RS). Monitors for the Organization for Security and Cooperation in Europe (OSCE) have reported seeing Karadzic posters in approximately 40% of the polling locations, in direct violation of the OSCE election rules and the Holbrooke-negotiated agreement to prevent Karadzic's involvement in the elections.
- On August 16, Chief of Police Simo Drljaca in Prijedor threatened that "if Muslims are allowed to vote in all 86 polling stations in Prijedor, there will be no elections." When questioned about this statement by the OSCE, Drljaca replied "Do you want another war?" This is not the first time Drljaca has issued veiled threats toward voters.
- On August 27, Drljaca and the mayor of Prijedor informed international officials that only buses traveling on specified routes would be permitted to cross the IEHL and that local RS police reserve the right to search individuals traveling on those buses for firearms or explosives. Drljaca then stated that special polling places would be designated for "foreign voters" and that they would not be allowed to visit homes or graveyards.
- In Ugljevik, Mayor Miladin Stepanovic said that "if 700 Bosniaks come to Uglejevik to vote in person, you can monitor the Battle of Kosovo 1996." Stepanovic previously threatened to take hostage and immediately kill international police monitors if there was any attempt to capture Radovan Karadzic or Ratko Mladic.
- In Banja Luka, Chief of Police Stojan Davidovic promised cooperation with the U.N. International Police Task Force (IPTF) on August 20, but later said that "the possibility of provocations and incidents cannot be excluded." Davidovic's police recently murdered two Bosniak men in their custody. Attempts by IPTF to investigate these and other such cases have met with almost complete non-compliance by the Banja Luka police.
- According to a NATO spokesperson, on September 4, IFOR troops discovered that local Serb police in Banja Luka were transporting numerous unauthorized weapons, including an anti-aircraft gun, a multiple-barrelled rocket launcher and a 12.7 mm machine gun. When IFOR attempted to confiscate the weapons, they were then surrounded by an angry mob, and barely averted an attack by shooting into the air over the heads of the crowd.
- Also in Banja Luka, UNHCR has decided to evacuate thirty-one Bosniaks, who had recently been evicted from their homes in the area, due to threats against them and the apparent impossibility of their returning to their homes.
- The Chief of Police in Zvornik has also made recent threats against Bosniaks in the village of Dugi Dio, a Bosniak village in RS territory near Zvornik. According to the International Police Task Force, the Chief of Police stated that if IFOR did not "control" the village—in other words, if IFOR did not prevent more Bosniaks from returning to the village—he would send 3,000 police with long weapons to the village.
- The police chief in Pale has threatened International Police Task Force (IPTF) and IFOR (NATO) forces.
- Alexa Buha, leader of the Serbian Democratic Party, or SDS, has stated to international visitors that he fears "hordes of balije" ("aliija" is a derogatory term for Muslims) will attempt to exercise their right to vote in their home towns.

The Need for Security Now and On Election Day

IFOR, the International Police Task Force, OSCE and the Office of the High Representative have identified "hotspots" and will secure, according to our last figures, 19 routes to be used by voters crossing the Inter-Entity Boundary Line (IEBL) on election day in those troubled areas. We recognize and appreciate the effort made by IFOR and other groups to plan these routes. We also understand that it is not possible to protect all routes in the country on election day. Nonetheless, we are concerned that the plans will effectively limit the number of voters able to cross the IEHL, hence quite possibly negating the votes of those risking the crossover. The plan calls for bus traffic only across the IEHL on election day. So far, there are fewer than 300 buses which have been identified as available for transport along those routes.

Since these routes involve the very places where the most substantial number of voters are likely to cross, then it may not be possible for all those wishing to vote to do so, even if the buses were to run two days instead of one. The international community, by acceding to demands by the parties that freedom of movement is restricted on election day is making a mockery of the whole affair. While the IEBL is technically open on election day, travel across the IEBL will not be encouraged and people are likely to believe that they can only cross and vote safely if they cross only in the designated places. In order to permit voters to vote in safety, then, the concept of freedom of movement, so central to the elections process, has become secondary.

The Police

The police throughout Bosnia and Herzegovina are in many cases under the direct control of nationalists. This is especially serious in Republika Srpska, where the police have a direct linkage to the SDS and where the same persons who organized terror during the war continue to be in control. For example, the police chief in Prijedor, Simo Drljaca, directly participated in the rounding up and internment of Bosniaks in concentration camps, including Omarska Camp, in 1992. He has handed out weapons to the local population and incited them to attack returnees, instructed his police officers to prevent international police monitors from entering police stations, orchestrated mobs at the Inter-Entity Boundary Line, personally supervised his secret police force as they carried out his orders to quell a strike at a local firm after the director of this privately-owned firm was ousted because he was not an SDS member. And yet, to our knowledge, Carl Bildt and the IPTF Commissioner Peter Fitzgerald have not publicly demanded his removal.

Drljaca is only one example. In Banja Luka, Stojan Davidovic has also been involved in serious violations of the Dayton accords. Recently, officers under his supervision murdered two Bosniak men. When one of the wives called to find out where her husband was, she was told that she could find him stuffed in a refrigerator in the cemetery. And that's where he was, unceremoniously dumped, like a piece of garbage. The other man, Hasan Kovacevic, died in police custody in Banja Luka. The autopsy revealed that he had been beaten to death with a blunt instrument. When Davidovic was informed by IPTF that the policemen responsible should be removed or suspended, he said "Not according to the laws of Republika Srpska." Last week, IFOR narrowly averted an attack by yet another Serb "mob" which gathered round them when they discovered that police armored vehicles carried an anti-aircraft gun.

Similarly, police in the Federation town of Sanski Most, Stolac, and Capljina, to name just a few, also serve as instruments of terror to discourage would-be returnees and suppress the opposition.

Recommendations Regarding the International Police Task Force (IPTF)

There is much that must be done to reform the police, and the IPTF is only now making a start toward conducting a vetting process to weed out abusers from the force. IPTF can make a very real contribution here, but only if they have sufficient political support to remove abusive police officials and line officers who have participated in human rights abuses, or failed to protect citizens under threat.

- The IPTF and High Representative Carl Bildt must insist on the removal of police who have served as instruments in campaigns of terror against minorities, returnees, or members of opposition groups. Reconstruction aid must be withheld from those municipalities who fail to cooperate with the removal of police officials and line officers who have participated in or condoned through inaction the commission of human rights abuses.
- In our mid-Dayton report June of 1996, we called for IPTF to be provided with sufficient vehicles and radios to enable them to move about Bosnia safely and to communicate in case of danger. Highly motivated international police officers complained to Human Rights Watch in the field that they are unable to do their jobs due to a severe shortage of basic equipment. They are sometimes not even able to communicate with people at risk due to a lack of translators. IFOR could perhaps assist IPTF with vehicle and communications support during the elections period.
- Publicize the screening process through local media, including by placing paid advertisements and creating mechanisms through which the local population can furnish the IPTF with information regarding abusive police officers, and including assurances of complete anonymity for witnesses. The announcements should spell out the selection criteria and explain the process to the public.

GENERAL RECOMMENDATIONS

Protection

- IFOR must be equipped with riot gear and instructed to directly intervene in any situations where citizens are directly threatened. IFOR has the authority under Dayton to "observe and prevent interference with the movement of civilian populations, refugees and displaced persons, and to respond appropriately to deliberate violence to life and person."¹ Those involved in direct attacks against citizens should be arrested by IFOR troops and turned over to local police, with a warning that failure to conduct a proper police investigation will result in consequences.
- Checkpoints along the routes should be for traffic purposes only, and in hot spots, checkpoints should be manned by IFOR troops, not local police, especially because they are often used as gathering points for mobs.
- IFOR and IPTF should organize security watches on known perpetrators as a means of deterring violence against returnees.

Accountability

- International monitors and IFOR should publicly release the wealth of information they have on the participation of local authorities in human rights abuses and their non-cooperation with IFOR, IPTF, and the OSCE. Individuals known to have consistently flouted the Dayton accords should be identified by name and position.
- OSCE must make a public statement that elections results will be nullified in any municipality where there is violence on election day, the days leading up to it, and the days following.
- Candidates who have displayed significant non-compliance with the elections provisions of the Dayton agreement, including obstruction of freedom of movement, intimidation of voters, returnees or opposition leaders, and restriction of access to the media, should be struck from the ballot before the municipal elections are held. Those candidates who have for many months been non-compliant with the spirit and letter of the Dayton agreement should not be given yet another chance; otherwise the warnings of the international community are but empty threats.

Security After the Elections

The White House and the Organization for Security and Cooperation in Europe (OSCE) have argued that elections are the cornerstone in the building of a democracy. But there are no guarantees that a new era will be ushered in with the elections. In fact, as has been stated by many observers, the elections may serve only to "lock in" obstructionist hardliners, who are likely to continue to flout the Dayton agreement and international human rights standards. This means that victims of human rights abuses will have no redress who is going to protect them. Further, the international community, while engaging in rhetoric about the right to return has failed to focus on the more exigent issue of the right to remain. What this means is that these "seed" communities for repatriation will soon no longer exist, making repatriation an even more distant hope.

Given the perpetual failure of certain hardline politicians and police on both the Federation and Republika Srpska sides to respect the Dayton agreement, and recent events in Bosnia, violence on election day—or following election day, as was the case in Mostar, should be anticipated. Within the past two months, there have been numerous mob attacks or threatened attacks upon returnees (and lately upon IPTF and IFOR), churches and mosques have been burned to the ground, and the intimidation and harassment of opposition party members has continued. In Mostar, people who voted for the "wrong" party have been hunted down and beaten.

IFOR and the IPTF claim that it is the local authorities who are responsible for protecting citizens, and this is of course true. The problem is that it is often the local authorities who are committing the abuses.

Practical steps should be taken by the international community to enhance security and stigmatize human rights abusers, but there must be an integrated, coordinated approach.

The High Representative and OSCE should inform all parties that interference with freedom of movement or violence between now and the period immediately after the elections will result in the OSCE's referral of the matter as a formal complaint to the Provisional Election Committee (PEC) or to the Elections Appeals Subcommission (EASC). The EASC should be prepared to immediately nullify election

¹ Agreement on the Military Aspects of the Peace Settlement (Annex 1-A), Article VI, Deployment of the Implementation Force, 3(d).

results for those towns and municipalities where abuses have occurred. The United Nations High Commissioner for Refugees has already identified eight towns where repatriation has been impossible due to obstruction by the local authorities. The authorities of these towns should be put on notice now that violations of elections codes or attacks on voters, members of opposition parties or others will not be tolerated.

OSCE should strike from the ballot individuals even before the elections in cases where there has been protracted non-compliance with the Dayton accords or threats made against international monitors. The OSCE has the right to disbar candidates or even entire parties from the elections if they flout elections rules or the Dayton agreement. Hardliners must get the message that abuses will be dealt with decisively and will not be rewarded with the retention of power. Having bullied Bosnians into having elections with persons indicted for war crimes still at large and in control, the Clinton administration should take steps to minimize their ability to cause more suffering.

Failure to Arrest War Criminals

Perhaps the biggest failing of the international community has been the refusal to apprehend indicted war criminals, who remain in control of the political process in Republika Srpska. To make things worse, deals have reportedly been proposed by this administration to those responsible for heinous acts. The Clinton Administration's special envoy, Richard Holbrooke, stated in a recent news conference that "After the elections, we have to get Karadzic either out of Pale or better yet move the capital of the Serb part of Bosnia from Pale to Banja Luka." If this is indeed the Administration's position, then Senators concerned with the rule of law and future peace and Bosnia should resist it strenuously. This "solution" for an indicted war criminal is no solution at all for Bosnia, or for the integrity of the International Criminal Tribunal for former Yugoslavia. Those who proposed that Radovan Karadzic could quietly retire from public life and go to Montenegro should be given an opportunity to explain. We therefore propose that another hearing be held; a hearing which will bring to light information and any secret deals which have been made with person indicted by a Tribunal which the American government has professed support for and belief in. We respectfully ask you, the Members of this Committee, to call for such a hearing.

Finally, the Clinton administration, the Contact Group and other international players must consider what can be done to ensure compliance with international human rights standards in Bosnia and Herzegovina.

Senator LUGAR. Ms. Paul, thank you very much for that testimony. Ms. Woodward.

STATEMENT OF SUSAN L. WOODWARD, SENIOR FELLOW, FOREIGN POLICY STUDIES PROGRAM, BROOKINGS INSTITUTION, WASHINGTON, DC

Ms. WOODWARD. Senator Lugar, thank you very much for your invitation to appear here today. As you have made clear so many times, and I appreciate it, there are few issues more important for American leadership in the coming decades.

Although I appreciate Senator Feingold's concerns, this is not only about Bosnia. It never was or the war would have been over long ago.

As others have said, in exactly one month's time, on October 10, the cease-fire will have lasted an entire year. The first stage of separating military forces has been executed superbly.

The U.S. military has proved itself far more skilled at this very complex and new task of peace implementation than I suspect even they expected. But now the perspective cannot any longer be stopping the war. We have to make sure that it is in the past by reorienting to the future.

Now the overriding task is to prevent it from starting again and to build both peace in Bosnia and stability in the region. The idea that this could be achieved in 12 months was, at best, naive. We

simply did not have the capacity in Europe or the United States to do it. It had to be built on the ground, as you have been hearing this morning in the first panel.

Let me address first the consequences of the elections.

The question of whether the elections will be free and fair if held in September is the wrong question. No, they will not be fully free and fair. But the reason is that the three parties to the Dayton Accord do not wish them to be. They are political parties with partisan interests, acting like sovereign governments in their own respective territories, and we are contributing to this problem because we, in the international community, are holding them accountable as if they are governments.

As long as we in the international operation insist that it is their agreement to keep and their peace to make, we can do very little about this. Holding elections now or in 6 months will make no difference. It may be counterintuitive, but the more we treat these elections as the be-all and end-all of Bosnia, rather than the beginning of a long process, the longer the international military presence will be necessary.

Indeed, we can see this with the postponement of the municipal elections, which concerns me a great deal. While we focus on recreating a single Bosnia-Herzegovina, Bosnian citizens are far more concerned about getting their lives back together and about getting competent people, regardless of party, in power at the local level. The central focus of politics in community has always been at the local level, and this is even more true now when the most pressing issues are those of local jurisdiction—housing, jobs, schooling, roads, water, electricity, heating, and so forth.

Second, it was at the local level that the opposition parties in all areas had some hope to win seats. Necessarily having to take the long view, they believe that even a few victories at the local level will keep alive the hope of a restored Bosnia until the next elections.

Instead, the overwhelming victory in the September elections of the three ruling nationalist parties, each in their own one-party mini-states, will now not be diluted even symbolically.

To keep President Clinton's promise to Congress to withdraw American troops at the end of the year, local elections will be held around the first of December, when conditions will not have changed at all for the better—indeed, they will be worse—because of the onset of winter and because all of the electoral rules written by the provisional electoral commission that gave some voice to opposition views will, after the September elections, be written by the new Bosnian Government, whose interests will be in writing rules that give them even greater advantage at the local polls.

Like nearly every other decision taken since the Dayton Accord was signed, whatever the good intentions, the international presence is helping the ruling parties to consolidate their power and their territorial partition of the country.

The problem in my view is that the Dayton Accord and much public attention focus on the past. That is now the limiting factor. Pre-war Bosnia cannot be put back together again. But a new, independent Bosnia can be built with some forethought. What is happening now does not have to be.

What is the alternative? The existing division is not stable. The alternative is a slow, patient reconstruction of Bosnian society. There is no reason why a Bosnia partitioned into three areas cannot gradually evolve from three nationally controlled para-states to three regions of a prosperous democracy with open borders. Simply talk to the younger generation who are tired of war.

But in my view, there are currently four obstacles to this alternative. I would like to focus on three particularly that I think originate in Congress, and I hope you will accept this small criticism because that is where we are.

First is a psychological obstacle that we all share; that is, that we have to recognize the consequence of our decisions and actions on the ground for the political future of Bosnia. We are influencing the process, including the fact that the political party that we support has long ago abandoned the rhetoric and the practice of a multiethnic Bosnia.

The SDA does not represent all Bosnian Muslims, and the first step toward any hope of stability in Bosnia is democracy within each of the three communities that now exist.

The second and third obstacles, in my view, are the congressional requirements to direct all economic resources to the Federation, isolating the Serb Republic, and, second, to train and equip a Federation army. These requirements are making the inter-entity boundary line between the two entities a hard international border. They deny to many Muslim towns and businesses the nonantagonistic relations with Serb towns and businesses which they need to survive.

There is, second, no common ground between the conflicting political goals of the two Federation parties, the Bosniaks and the Bosnian Croats. The requirements of Congress depend on a continuation of the Federation, which will not survive the partition and breakup of Bosnia.

The fourth obstacle is the absence thus far of a capacity to plan and to execute a strategy for the staged reintegration of Bosnia that I propose. This, above all, requires at the beginning a follow-on force after December. Those civilian tasks that now take center stage cannot be accomplished without military assistance.

Let me also, if you don't mind, just take one more minute to say that from all accounts, whether fair or not, the sole obstacle to this crucial fourth element of peace of a follow-on force is said to be the U.S. Congress. The refusal of the United States to commit troops would mean the withdrawal of NATO allies. That would leave a force of non-NATO countries, probably Sweden, Russia, Islamic countries such as Jordan and Pakistan, under United Nations mandate. Is this preferable?

Or we could continue to use this operation under NATO and the United States to effect the reform of NATO itself. Using a NATO led force with American participation to develop the operational details of the CJTF, which we want to develop, during 1997 and then transferring to European responsibility entirely the continuation in 1998 until the next Bosnian elections.

If we do not, however, take this task of peace or the NATO alliance seriously and, instead, let Bosnia break up into its three states, whether or not the Croat and Serb areas succeed in being

annexed to their neighboring national states, then the current territorial borders of the Dayton map do not work. They must be redrawn, with all the diplomatic difficulties of the previous rounds, or the Bosniak army will try to do it with force—a war that they will lose even more tragically than the last. And so will we.

Thank you, Mr. Chairman.

[The prepared statement of Ms. Woodward follows:]

PREPARED STATEMENT OF SUSAN L. WOODWARD

Senator Lugar, members of the committee, thank you for your invitation to appear before you today. There are few issues more important for American leadership in the coming decades than its role in bringing peace to Bosnia and Herzegovina and in commanding a multinational force led by a new NATO. Let me record that I speak here as an individual, as a scholar studying the former Yugoslavia for many decades, and do not represent the views of the Brookings Institution or any group of people.

No one visiting Bosnia and Herzegovina these days can fail to sense the change in mood since winter when IFOR arrived—the tentative hopefulness, the gradual improvement in physical conditions, the willingness to admit a longing to see close relatives and friends on the other side of military confrontation lines, and the hive of activity among politicians preparing for this month's elections. One cannot fail to notice also that young people sit in cafes drinking one cup of coffee all day long because no jobs are being created, except by international organizations implementing the Dayton accord, that no reconstruction on public buildings and firms has begun, that the political division of the country into three ethnic enclaves is strikingly apparent, and that there is total consensus on one thing: that if IFOR leaves at the end of the year, war will start again.

The Dayton accord and the spectacular success of IFOR in separating the warring parties, demobilizing armies, cantoning or destroying heavy weapons, and challenging violations of the accord have stopped the war in Bosnia. Now the overriding task is to prevent it from starting again. For those who say that this is up to the Bosnians, that we can only do so much to help them, they forget that the success of the Dayton process has two other goals equally important to the United States as peace in Bosnia: regional stability in the Balkans (which is not yet at all guaranteed), and the future of NATO (including the shift in burdensharing for European security between the United States and its allies, its relation to Russia, and public support for the changing missions of the U.S. military).

There is nothing in the Dayton accord that assures peace automatically. In fact, it leaves the political outcome of Bosnia ambiguous, increasing the insecurity that IFOR troops have been sent to reduce. IFOR's presence has made it possible for the parties to channel their fight into the political and economic arena, but this has not been pretty for advocates of human rights, free elections, and a rapid transfer of responsibility to civilian police. The way the Dayton accord is written, nothing can go forward—above all the next steps of economic reconstruction and investment necessary for peace to take hold—until elections create legal governments. In Bosnia currently, everything except the election campaign is on hold until the elections.

1. *Election Prospects.*—The question of whether the elections will be free and fair if held in September is the wrong question. No, they will not be fully free and fair, but the reason is that the three parties to the Dayton accord do not wish them to be. They are political parties with partisan interests acting like sovereign governments in their respective territories, and we are contributing to this problem because we are holding them accountable as if they are governments. Why should they give up the economic and political resources of power and dominance—control over media, police, movement, and monies—especially when each one of the three views the state they have fought the war to create insecure, their political goals not yet fully achieved? As long as we in the international operation insist that it is their agreement to keep and their peace to make, we can do very little about this. Holding elections now or in six months will make no difference.

The right question to ask is, will the elections achieve their purpose? That purpose can only be, so soon after the cessation of hostilities, to take the first step in the political process in a way that gives confidence to Bosnian citizens that other steps—the setting up of legal and accountable governments, elections in two years, legislation to create economic institutions—will follow. It may be counterintuitive, but the more we treat these elections as only the beginning of a long process which

will have to be supplemented by civilian reconstruction, the sooner the international military presence can leave.

Indeed, any one proposing the postponement of elections should be asked to explain what good will come from the postponement that has been decided for municipal elections. While we focus on recreating a single Bosnia and Herzegovina, Bosnian citizens are far more concerned about getting their lives back together and about getting competent people in power in their localities. The central focus of politics and community in Bosnia has always been the local level, and this is even more true now when the most pressing issues are those of local jurisdiction: housing, jobs, schooling, water, electricity, heating, busses and trams, policing. Secondly, it was at the local level that the opposition parties in all areas had some hope to win seats. Necessarily having to take the long view, they believe that even a few victories at the local level will keep alive the hope of a restored Bosnia until the next elections, in two years' time, when they will have had the time—in conditions of peace—to organize, inform, and prove to constituents that the currently ruling parties are not really their protectors with their best interests at heart.

Instead, the overwhelming victory in the all-Bosnian and entity elections of the three ruling parties, each in their own one-party mini-states, will now not be diluted even symbolically. To keep President Clinton's promise to Congress to withdraw American troops at the end of the year, local elections will be held around the first of December when conditions will not have changed at all for the better—indeed, they will be worse because of the onset of winter and because all the electoral rules written by the Provisional Electoral Commission that gave some voice to opposition views will, after the September 14 elections, be written by the new Bosnian government whose interests, like all ruling parties, will be in writing rules that give them even greater advantage at the polls. Like nearly every other decision taken since Dayton, whatever the good intentions, the international presence is helping the ruling parties to consolidate their power and their territorial partition of the country.

2. *The Political Goals of Dayton.*—So where does that leave us regarding the success of the Dayton process? The Dayton accord aims to restore prewar Bosnia and Herzegovina. This is not possible. Yugoslavia is gone. And wars never do end with a return to the status quo ante. Something new must be created, including a different political system for an independent Bosnia.

The cruel reality which none of us want to face is that to create an independent Bosnia so that Muslims also have a national state out of the ruins of Yugoslavia and can feel secure against any more horrors will require the Bosniak leadership to guarantee the rights of minorities—the Serbs and Croats who do not want to be in a Muslim national state—and to reassure them that they are safe. For obvious reasons, that is not going to happen in the immediate future. But that does not mean, as many argue, that we should accept the *fait accompli* of partition. The existing division is not stable.

Moreover, those who think that by getting rid of Ratko Mladić, in hopes that the Bosnian Serb army will collapse and, following the scenario in Croatia in 1995, Bosnian Serbs will simply leave, should put away any hopes of a peaceful resolution of the Kosovo and Macedonian problems. This is particularly important to recognize given the two most hopeful signs since Dayton that occurred in the last two weeks: the mutual recognition of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) in their current borders, and the agreement between Serbian President Milošević and Kosovo Albanian leader, Ibrahim Rugova, to return ethnic Albanian children to official schools.

What is the alternative? It is a slow, patient reconstruction of Bosnian society until natural processes of business contracts, labor and capital markets, migration, and antipathy to war from the younger generation are strong enough to defeat the nationalist parties. There is no reason why a Bosnia partitioned into three areas cannot gradually evolve from three nationally controlled parastates to three regions of a prosperous democracy with open borders. In the meantime, there is no way to save Bosnia unless the right to independent governance of all three peoples is accepted by outsiders as long as they remain within one country, and unless the peace implementation operation works out a plan for its staged reintegration.

There are four obstacles to this alternative, three of them originating in Congress. First is a psychological obstacle for most outsiders. We have to recognize the consequences of our decisions and actions on the ground for the political future of Bosnia, including the fact that the political party we support has long ago abandoned the rhetoric and the practice of a multiethnic Bosnia. But the SDA does not represent all Bosnian Muslims, and the first step toward any hope of stability is democracy within each of the three national communities.

The second and third obstacles are the congressional requirements to direct all economic resources to the federation, isolating the Serb Republic, and to train and

equip a federation army. These requirements are making the interentity boundary line between the two entities a hard, international border. They deny to many Muslim towns and businesses the nonantagonistic relations with Serb towns and businesses which they need to survive. There is no common ground between the conflicting political goals of the two parties, Bosniak and Bosnian Croat, in the federation. And the requirements depend on continuation of the federation, which will not survive the breakup of Bosnia.

Fourth is the absence thus far of a capacity to plan and to execute a strategy for peace in Bosnia—a single authority over all aspects of the implementation process, civilian and military, that can both effectively coordinate and direct the separate organizations involved so that it is done as efficiently as possible. And this above all requires a follow-on force after December. The military goals of IFOR may be complete, and accomplished superbly, but they can unravel and be reversed in a flash. Already IFOR has had to be vigilant against violations by all three armies. But even if this were not the case, the civilian tasks that now take center stage cannot be accomplished without military assistance—in preventing a reversal in the ceasefire and demobilization; in keeping transportation moving and ensuring freedom of movement for international agencies; in providing many intelligence and logistics services that would be expensive duplication for civilian organizations to undertake, if they could do so at all; and in maintaining a secure environment for all.

The result of delay on such a commitment by the United States is to prevent effective planning for the next stage of peace and therefore a resort to the far more time consuming process of muddle through—doing more of the same with fewer troops will prolong the time that troops are needed.

From all accounts, the sole obstacle to this crucial fourth element of peace in Bosnia is the U.S. Congress. Because the Dayton process cannot succeed in twelve months, and a follow-on force will be needed to prevent local armies from returning to fill the vacuum that IFOR leaves, the refusal of the United States to commit troops would mean the withdrawal of NATO allies. That would leave a force of non-NATO countries—probably Sweden, Russia, Islamic countries such as Jordan and Pakistan—under United Nations mandate. Is that preferable? Or, we could continue to use this operation to effect the reform of NATO—using a NATO-led force with American participation to develop the operational details of the CJTF during 1997 and then transferring to European responsibility the continuation in 1998 until the next Bosnian elections.

However, if we do not take this task of peace or the NATO alliance seriously and instead let Bosnia break up into its three states, whether or not the Croat and Serb areas succeed in being annexed to their neighboring national states, then the current territorial borders of the Dayton map do not work. They must be redrawn, with all the diplomatic difficulties of the previous rounds of mapmaking, or the Bosniak army will try to do it with force—a war that they will lose even more tragically than the last. And so will we.

3. *Conclusion.*—We have invested a great deal during the war to aid civilians and contain the war from spreading; we have invested a great deal to stop the war and to help implement the Dayton Accord. Everywhere you turn, individual Bosnians tell how tired they are of war and how much they want a job and normal life. This alone marks the Dayton accord a success. Whether we like it or not, we cannot abandon Bosnia at the end of the year. We now have to invest time, money, and strategic thinking to prevent this from being a lost investment—that we leave and then have to return, that Dayton fails and American leadership is shown to be hollow, and that a new NATO crisis occurs.

Senator LUGAR. Thank you, Ms. Woodward. Mr. Fox.

STATEMENT OF JOHN FOX, WASHINGTON REPRESENTATIVE, OPEN SOCIETY INSTITUTE, WASHINGTON, DC

Mr. Fox. Yes, Mr. Chairman, thank you.

Today you and your colleagues have heard more of the deep distress in the nongovernmental community about the administration's insistence on proceeding with the elections in Bosnia at any cost.

Because the issue is so central to the implementation of the Dayton Accords, as well as the fact that the official rhetoric has become so Orwellian, I wanted to cite a couple of recent quotations.

The Special Envoy of the UNHCR, Mr. Jessen-Petersen, has expressed UNHCR's "growing concern that the tactics used in the campaign will produce hard-line winners and xenophobic nationalists committed to the maintenance of hostile, homogeneous statelets."

Defense Intelligence Agency Director Lieutenant General Hughes has expressed DIA's concern that the "trend toward de facto partition of Bosnia into at least two, if not three, parts could be confirmed by the upcoming election unless more moderate political elements are given a fair chance at challenging the three main political parties."

Last week, eleven Bosnian political party leaders, including President Izetbegovic and former Prime Minister Siladjic, sent to the administration a statement, including the comment that "conditions for free and democratic elections, as laid down in the Dayton Peace Accords, have not been met."

I would like to underscore our concern, expressed by the representative of Human Rights Watch, about the pressure being put on the gentleman who has the international mandate to report on the conduct of the elections. Mr. Ed Van Thijn has, indeed, been put under, as he says, "enormous pressure" by U.S. officials to put a happy face on conditions. However, he insists that he will report "the truth and nothing but the truth or he will resign."

I think it is our strong view that the U.S. really should be leading the way in exposing abuses and pressing the abusers—not the international monitors, not pressing the international monitors who are attempting to do their jobs.

Yet in the face of these and so many other expert views, Secretary of State Christopher finds it possible still to reaffirm, as reported over the weekend, that "the elections will be democratic and effective and their outcome should be respected by all."

It is more than clear that the administration, having pressed relentlessly for these elections as the centerpiece of a successful Dayton process, has predetermined them to be acceptable and legitimate.

Part of the problem, as Dayton mediator Richard Holbrooke pointed out last week, is that, especially in Republika Srpska and in the Croatian sector, "people are elected who are racists, fascists, separatists, who are publicly opposed to Dayton."

The declared aim of the dominant Serbian and Croatian parties is the same as was their genocidal war aim: secession from Bosnia-Herzegovina and joining Greater Serbia and Greater Croatia. Most observers believe these political leaders can be counted on to try to carry out their campaign promises.

The outcome of this process could be a Washington ratified partition of Bosnia, which can hardly count as a foreign policy achievement worth the large investment that the U.S., NATO, and the international community have made thus far.

Partition cannot be seen as stabilizing for the region or acceptable for an international community in which 90 percent of the internationally recognized states are, like Bosnia, multiethnic.

It is surely too soon to forget that the U.S. led the West in halting ethnic cleansing in Bosnia because by the summer of 1995, after four years of systematic and bipartisan neglect, it came to be

understood that the increasingly destabilizing Balkan Wars were only at an early stage, with plenty of ethnic cleansing and forcible partitions still to come if they were permitted to rage on so close to the heart of Europe.

Why, then, does the administration press on to ratify so quickly the results of genocide and to confer legitimacy on what the UNHCR spokesman in Bosnia calls the "ethnic cleansing club?"

Certainly it is ironic that this, of all administrations, is so seriously undermining the democratic standards of both U.S. and multilateral policy, especially in Eastern Europe, where the championing of democracy has enormously served U.S. global interests.

But more ironic is that these elections, which the administration wishes to portray as a milestone on the road of its exit strategy, actually will help insure a much longer term U.S. and NATO force presence. Accepting war criminals, fascists, and separatists as the legitimate partners of the international community will not accelerate implementation of the Dayton Agreement because these new partners want the opposite of what was agreed at Dayton. They will remain the principal on-the-ground opponents of integration, common institutions, settlement of refugees, an open economy, and reconciliation.

The international community has worked itself into a fairly tight box. Unless it faces the remaining core Dayton challenges that the administration and some U.S. allies have sidestepped, including insuring freedom of movement, free media, and surrender of indicted war criminals to The Hague Tribunal, Dayton will remain essentially a cease-fire that will be shattered upon the departure of U.S. forces.

As the NGO's working on the ground will confirm, IFOR is the basis of stability in Bosnia and a credible U.S.-led international force will remain necessary for a considerable time if peace, much less civilian implementation and reconstruction, are to have a reasonable chance for success.

Having insisted on these elections at this time, the administration has a special obligation to develop an aggressively prodemocracy postelection strategy. It can start by refusing to bless the results of elections at any level, cantonal, entity or national, that are not free and fair by the standards normally applied by the U.S. in Eastern Europe and under the Copenhagen document of the Helsinki Agreements.

The administration already has a firm basis in its own policy for doing so. In endorsing the recent decision of Ambassador Frowick, the OSCE Bosnia mission chief, to cancel the local elections, Assistant Secretary of State Kornblum cited clear and massive irregularities, particularly on the Serb side and also on the Croatian side. Among these irregularities is the padding of Republika Srpska's electoral lists with an additional 240,000 displaced Serbs, engineered primarily by Belgrade. This massive fraud on the electoral process of the Republika Srpska, which has a total of 600,000 residents, taints beyond any acceptable standard the parliamentary and presidential vote there. This fraud will be an essential part of the success of Karadzic's party in these elections.

If I may, Mr. Chairman, I have one or two more thoughts.

We believe it is vitally important, therefore, that the administration respect the free and fair criteria laid down by the OSCE and not seek to suppress them. The lifting, the permanent lifting of sanctions on Yugoslavia and Republika Srpska is dependent under Dayton on reaching a free and fair judgment on these elections.

There is considerable leverage left on the international side if we choose to use it. We would submit that, without maintaining that leverage and better using the leverage that exists, including through the international financial institutions and U.S. and international assistance programs, civilian implementation such as we have been engaged in actively in Bosnia will come to a virtual standstill after the elections. Thank you.

[The prepared statement of Mr. Fox follows:]

PREPARED STATEMENT OF JOHN FOX

Mr. Chairman, today the Committee has heard directly more of the deep distress in the non-governmental community concerning the administration's insistence on proceeding with the elections in Bosnia-Herzegovina at any cost. Because the issue is central to the implementation of the Dayton Accords, and because the official rhetoric has become so Orwellian, some recent statements on these elections deserve greater prominence.

According to the Special Envoy of the UN High Commissioner on Refugees, Soren Jessen-Petersen: "UNHCR's growing concern is that the tactics used in the campaign will produce hard-line winners and xenophobic nationalists committed to the maintenance of hostile, homogeneous statelets."

According to Defense Intelligence Agency Director Lt. General Patrick Hughes, the "trend toward de facto partition of Bosnia into at least two, if not three parts could * * * be confirmed by the upcoming election unless more moderate political elements * * * are given a fair chance at challenging the three main political parties."

According to Human Rights Watch: "There can be nothing resembling free and fair elections given the current conditions on the ground. For the international community to participate in an endeavor which limits the rights of Bosnians to cast their votes in safety and dignity, is to be complicity in the destruction of the letter and spirit of the Dayton agreement."

According to a statement signed last week by eleven Bosnian political party leaders, including President Izetbegovic and former Prime Minister Siladjic: "Conditions for free and democratic elections, as laid down in the Dayton peace accords, have not been met."

According to Ed Van Thijn, coordinator of international election observers in Bosnia under the Organization for Security and Cooperation in Europe, the pre-election process has been a "fraud." Mr. Van Thijn has the OSCE mandate to report to the international community on the conduct of the elections. He has declared that despite the "enormous pressure" U.S. officials have exerted to do otherwise, he will report "the truth and nothing but the truth." Mr. Van Thijn has responded to reported U.S. diplomatic maneuvers to water down his mandate and produce a positive report on the elections by publicly threatening to resign.

Yet in the face of these and so many other expert views, Secretary of State Christopher finds it possible to reaffirm, as he did over the weekend, that "the elections will be democratic and effective and their outcome should be respected by all."

It is more than clear that the Administration, having pressed relentlessly for these elections as the centerpiece of a successful Dayton process, has pre-determined them to be acceptable and legitimate.

Part of the problem, as Dayton mediator Richard Holbrooke pointed out last week, is that, especially in Republika Srpska and in the Croatian sector, "people are elected who are racists, fascists, separatists, who are publicly opposed to Dayton." The declared aim of the dominant Serbian and Croatian parties is the same as was their genocidal war aim—secession from Bosnia-Herzegovina and joining Greater Serbia and Greater Croatia. Most observers believe these political leaders can be counted on to try to carry out their campaign pledges.

The outcome of this process would be a Washington-ratified partition of Bosnia, which can hardly count as a foreign policy achievement worth the large investment the U.S., NATO, and the international community have made. Partition cannot be seen as stabilizing for the region, or acceptable for an international community in

which 90% of the internationally recognized states are, like Bosnia, multiethnic. It is surely too soon to forget that the U.S. led the West in halting ethnic cleansing in Bosnia because by summer 1995—after four years of systematic and bipartisan neglect—it was understood that the increasingly destabilizing Balkan wars were only at an early stage, with plenty of ethnic cleansing and forcible partition still to come if they were permitted to rage on so close to the heart of Europe.

Why then does the Administration press on to ratio so quickly the results of genocide and to confer legitimacy on what the UNHCR spokesman in Bosnia calls the “ethnic cleansing club”?

Persistently bad policy has a way of creating unintended ironies. It's certainly an irony that this of all administrations is so seriously undermining the democratic standards of both U.S. and multilateral policy—especially in Eastern Europe where the championing of democracy has enormously served U.S. global and historic interests. It is also an irony that the U.S. is pushing hard to clothe in democratic legitimacy racist parties that are fresh from the worst war crimes Europe has seen in half a century, parties that maintain their policy of ethnic purity and their practice of political violence.

But perhaps the greatest irony is that these elections, which the Administration wishes to portray as a milestone on the road of its exit strategy, actually will help ensure a much longer term U.S. and NATO force presence. Accepting the war criminals, fascists and separatists as the legitimate partners of the international community will not accelerate implementation of the Dayton agreement, because our new partners do want the opposite of what was agreed at Dayton. They will remain the principal on-the-ground opponents of integration, common institutions, an open economy and reconciliation.

The international community has worked itself into a fairly tight box. Unless it faces the core Dayton challenges that the Administration and some U.S. allies have sidestepped, including ensuring freedom of movement, free media and surrender of indicted war criminals to The Hague tribunal, Dayton will remain essentially a ceasefire that will be shattered upon the departure of U.S. forces. As the NGOs working on the ground will confirm, IFOR is the basis of stability in Bosnia, and a credible, U.S.-led international force will remain necessary for a considerable time if peace, much less civilian implementation and reconstruction, are to have a reasonable chance for success.

Having insisted on these elections at this time, the Administration has a special obligation to develop an aggressively pro-democracy post-election strategy. It can start by refusing to bless the results of elections at any level—cantonal, entity, or national—that are not free and fair by the standards normally applied by the U.S. in Eastern Europe and under the Copenhagen document of the Helsinki agreements.

The Administration already has a firm basis in its own policy for doing so. In endorsing the decision of Ambassador Frowick, OSCE Bosnia mission chief, to cancel the local elections, Assistant Secretary of State Kornblum cited “clear and massive irregularities, particularly on the Serb side” and also on the Croatian side. Among these irregularities is the padding of Republika Srpska's electoral lists with additional 240,000 displaced Bosnian Serbs, engineered primarily by Belgrade. This massive fraud on the electoral process of Republika Srpska, which has a total of some 600,000 current residents—also taints beyond any acceptable electoral standard the parliamentary and presidential vote in Republika Srpska. It will be an essential part of the success of Karadzic's party in these elections.

It is vitally important, therefore, for the Administration to insist that “free and fair” reporting standards be upheld, not suppressed, and that UN sanctions against Republika Srpska and Yugoslavia be not permanently lifted immediately following these elections as provided under Dayton if the elections are judged “free and fair.” The sanctions must remain at the disposal of the international community as badly-needed leverage on implementation issues as well as on attempts at secession and worse. For the Administration and key allies to do otherwise would be an act of astonishing complicity in consolidating the power and ratifying the actions of the bloodiest actors in the Balkans.

The “free and fair” standard should be applied equally to the other Dayton parties, including Serbia and Croatia, and flows of U.S. and international assistance should be heavily conditioned on it. Therefore the United States should seek not to sideline or counter the mandated report of the coordinator of OSCE election monitors, but to respect its findings.

As the International Crisis Group has pointed out, the parties urgently seek a democratic stamp during this vulnerable post-conflict transition, and fear that time works against them. If we are serious about Dayton implementation, the international community should make all the parties earn this legitimacy.

Further, before it can "exit" Bosnia, American and international policy must assertively promote democracy, civil society and independent media in Serbia and Croatia and in the Serbian and Croatian sectors of Bosnia. A key part of any democratization policy must be apprehension of indicted war criminals. The Administration and Congress have a powerful tool to gain compliance in the mandatory provisions of the Foreign Assistance Act that stipulate the U.S. shall block access to resources from international financial institutions for both Serbia and Croatia if they harbor war criminals indicted by The Hague Tribunal. Strict enforcement of this provision of U.S. law would be a sure sign of Administration seriousness against individuals and parties that have actively blocked the implementation of Dayton since its signing. These measures would be an important signal to moderates in the region that the West is more meaningfully opposing ethnic separation and supporting the proponents of civil democracy.

Finally, the Administration and the Congress should review the assistance programs for Bosnia and ensure that much more than the current symbolic amounts go to support democracy, civil society, independent media, rule of law as well as market reform and authentic private sector activity. As a leading funder in this area, the Open Society Institute and Soros Foundations see ample room for growth in such U.S. programs, with considerably smaller amounts being channeled through or with the approval of the government. The current practice usually consolidates the power of the less reformist forces, feeds corruption, and certainly contradicts U.S. assistance policy throughout the transition region.

Senator LUGAR. Thank you very much, Mr. Fox.

I would like to announce that the United Methodist Committee on Relief, that was mentioned by Ms. Calabria, have submitted a statement for the record and it will be included at this point.

[The information referred to follows:]

STATEMENT OF THE UNITED METHODIST COMMITTEE ON RELIEF (UMCOR)

INTRODUCTION

Good morning, Mr. Chairman and members of the Committee. I appreciate the invitation to submit this testimony to the committee on this area of importance. My name is Dr. Kenneth Lutgen, and I am the Deputy General Secretary for the United Methodist Committee on Relief (UMCOR).

UMCOR is the relief and development arm of the ten million member United Methodist Church. It was established in 1940 and currently works in over 100 countries worldwide. It is based in New York City.

UMCOR's largest program is currently in the Former Yugoslavia, where it is implementing vital relief, reconstruction, re-development, and repatriation projects in Bosnia and Herzegovina as well as areas of the Republika Srpska, Macedonia, and the Federal Republic of Yugoslavia. Responding to the violence and disruption in the Former Yugoslavia, UMCOR has implemented comprehensive programs for refugees, displaced persons, and the war-affected population offering vital assistance in many sectors of work and need.

The UMCOR Former Yugoslavia Program began in 1993 in Zenica, Bosnia and Herzegovina, during the war and has grown to include more than 15 projects throughout Bosnia and other Former Yugoslav republics. UMCOR has contributed substantial private funding, support, volunteer, and emergency commodities for the past three years in addition to funding from the United States Government, the United Nations European partners, and agencies of the World Council of Churches. Since 1993, UMCOR has implemented a total of approximately \$56,000,000 worth of programs, including \$13 million from the U.S. Government.

UMCOR currently is implementing projects amounting to \$43,000,000 in 1996, of which \$12 million is from the U.S. Government, has a staff of 220, of which approximately 170 are Bosnian nationals of all ethnic groups. UMCOR works out of fully staffed and operational offices in Zenica, Sarajevo, Tuzla, Bihac, Mostar, Travnik, Sanski Most, and Gornji Vakuf. A field office located in Banja Luka is staffed by UMCOR's partner IOCC (International Orthodox Christian Charities). The Split, Croatia office provides additional logistical and administrative support services. UMCOR-FY projects are implemented and coordinated with support from the UMCOR Program Development Office in Washington, DC and the UMCOR Headquarters in New York City.

With the exception of privately-funded projects, UMCOR anticipates no further funding from the U.S. Agency for International Development (USAID) for its Bosnian programs in 1997.

The United Methodist Committee on Relief has a strong presence on the ground in Bosnia and, like other non-governmental organizations (NGOs) there, offers significant in-country experience to any potential projects. As you shall see below, we feel that we are supporting the Bosnian Peace Process and Bosnian Reconstruction, and that the types of activities provided by NGOs are important for the successful implementation of the Dayton Accord. Unfortunately, due to new policy priorities in U.S. Government funding, UMCOR and other NGOs have found that the U.S. Government is no longer providing funding for their activities.

UMCOR proposes that the following changes be made to U.S. Government civilian response:

1. That USAID make future funding for the Municipal Infrastructure Program (MIS) available through open bidding, allowing NGOs to compete.
2. That \$30 million be set aside for NGOs from the Bosnian Reconstruction Finance Facility (BRFF) to implement microenterprise activities.
3. That the \$10 million in agricultural resources currently set aside for the USDA Food for Progress program for Bosnia be made available to NGOs to implement food or monetization programs.
4. That the USAID Partnership with NGOs be re-established in Bosnia and Herzegovina. Without this partnership, USAID may lose a strong entry into the U.S. public through the large constituencies of NGOs.

Advantages of Work with Non-Governmental Organizations (NGOs) in the Bosnian Reconstruction

Throughout the war and the beginning of the peace process the U.S. Government has relied heavily on NGOs not only for emergency relief, but to implement sustainable projects which will have a long term effect on the welfare of Bosnians, particularly those considered to be vulnerable, such as refugees, children, the elderly, handicapped, etc. In addition to the specific goals of NGO projects, we believe that NGOs have the ability to provide many positive spin-offs from the resources they receive. We present these benefits in order to compare with the types of organizations with which the U.S. Government has chosen to work in Bosnia, using UMCOR as an example of the types of which programs NGOs are capable.

CONSTITUENCY

Many NGOs have large constituencies who support the programs in Bosnia. UMCOR represents more than 10 million United Methodist worldwide who support programs in Bosnia and elsewhere with donations of cash, relief supplies, and their own time. UMCOR has had over 250 United Methodist volunteers go into Bosnia at their own expense both during and after the war, providing assistance in everything from building construction to skilled psychological support for traumatized youth. UMCOR describes its programs in its national publications that promote not only UMCOR, but the U.S. Government funds used to implement these programs (see article in documentation). Thus, UMCOR and other NGO programs create goodwill for the U.S. Government not only in Bosnia, but also in the U.S.

These large constituencies often allow NGOs to contribute their own resources as "cost shares" to U.S. Government funds. With private and church funding, UMCOR has implemented such projects as agricultural enterprise promotion, conflict resolution, youth houses for children and youths in several towns throughout Federation Bosnia, and income generation projects targeting women and vulnerable groups. These projects have numerous impacts on promoting the peace and have an inter-ethnic focus. In its USAID Municipal Rehabilitation project, UMCOR contributed over \$1 million of in-kind materials. Total UMCOR in-kind contributions to Bosnia since 1993 amount to approximately \$4.7 million.

In addition, constituencies often include people who are particularly close to the conflict. UMCOR resettles approximately 3,000 refugees per year, some of whom are from the Former Yugoslavia. These members of the constituency have a very deep understanding of the issues surrounding conflicts and have a strong commitment to eliminating the causes or large refugee movements. The Serb, Croatian, and Bosnian refugees associated with the United Methodist Church through its refugee programs provide an additional force behind UMCOR's commitment to the region.

Finally, UMCOR and other NGOs working in Bosnia represent groups of organizations. UMCOR is a member of Church World Service, which represents 32 member denominations and over 40 million people in the U.S. UMCOR is also a member of the World Council of Churches, representing over 300 religious groups worldwide, and InterAction, an organization of U.S. relief and development NGOs.

RAPID RESPONSE

NGOs have the ability to respond more rapidly than any other organization. The credibility and experience they have developed on the ground allow them to move quickly. When the U.S. Agency for International Development (USAID) wanted to spend \$25 million on emergency shelter this year, they turned to NGOs and were not disappointed. Within a few weeks after the agreements were signed, NGOs were building houses. UMCOR's portion of this project, \$6.3 million for 700 homes in the municipalities of Travnik, Sanski Most, Gornji Vakuf, and Jajce which have seen intense conflict. Currently UMCOR is on schedule in completion of these homes. The repairs on these homes will allow refugees/displaced persons to return, a provision of the Dayton Accord.

COMPETITIVE COSTS

NGOs are able to provide the same work as a for-profit contractor at a much lower cost. NGOs can provide high-level technical work with a much higher percentage of funds going to project implementation instead of overhead. The technical capacity of NGOs has been largely overlooked by the U.S. Government in recent months. UMCOR, for example, has 35 professional engineers and architects on staff, the majority of whom are Bosnian nationals. In addition, NGOs have the capacity to implement large programs. UMCOR is currently implementing a \$30 million Shelter Materials project funded by the United Nations High Commission for Refugees (UNHCR), is a self-help project targeted to provide materials to people in order to rebuild destroyed homes. It is expected that approximately 10,000 homes will be rebuilt with this project's assistance. In addition, the bulk of the \$25 million of shelter materials are procured from Bosnian firms, providing a jump start to Bosnian industry. UMCOR is also managing a water and sanitation project funded by USAID's Office of Foreign Disaster Assistance (OFDA), which has provided repairs and rehabilitation to several municipal water systems and sewage systems.

USAID has stated that it would have lower administrative costs if it worked through a for-profit group. However, the lower overhead of NGOs cited above may negate this benefit. Moreover, NGOs are willing to consider umbrella grants or consortium structures, which will decrease the number of groups USAID would need to work with and further reduce the costs to USAID.

SUSTAINABILITY

NGOs provide sustainable impact. While a for-profit contractor will come in, do the job specified by the contract, and leave, NGOs tend to develop relations with local groups and provide training when needed to make sure that the local companies are capable of doing the job. An example of this is the UMCOR USAID Municipal Reconstruction project (\$2 million), which is designed to use rebuilding of damaged facilities as a vehicle to promote ethnic reconciliation in one of the most bitterly divided towns in the Bosnian-Croat Federation. This project assists the Dayton Accord in three ways: (1) it provides reconstruction assistance; (2) it promotes inter-ethnic cooperation; and (3) it assists the Bosnian-Croat Federation by working with both ethnic groups at the municipal and grassroots levels.

STRENGTHENING OF DEMOCRACY AND EMPOWERING OF LOCAL ORGANIZATIONS

NGOs work in partnership with local NGOs, thus increasing their capacity. With more and stronger Bosnian NGOs, the capacity of the Bosnian people to help themselves is increased. UMCOR has several projects to assist Bosnian NGOs: UMCOR partially funded a conference on Bosnian women sponsored by a Bosnian women's group and is providing conflict resolution training to several Bosnian NGOs. NGOs also work well together: UMCOR, together with International Orthodox Christian Charities (IOCC), is currently implementing a grant from the U.S. Department of State, Bureau of Population, Refugees, and Migration (\$1.7 million). This grant has enabled UMCOR and IOCC to address emergency humanitarian needs of refugees and displaced persons in both the Bosnian-Croat Federation and the Republika Srpska.

It is our opinion that the implementation of the Bosnian Peace Process is a long-term effort that will continue after the elections and the withdrawal of international peacekeepers. Such an effort calls for organizations with a long-term interest in working in Bosnia with Bosnians. The NGOs have demonstrated a long-term commitment to helping the Bosnian people and expect to continue to do so.

CIVILIAN SECURITY

NGOs provide a sense of security. Throughout the war, NGOs were there for the most vulnerable of the Bosnian people and have built up credibility. Working through for profit groups brings in new players with no credibility at the grass roots level.

POSITIVE POPULAR IMPACT

And finally, NGOs are popular with Bosnians and present a positive image for the U.S. Groups whose principal goal is to help the Bosnian people increase good will towards the U.S.

U.S. Aid Policy in Bosnia: A Step Backwards

A large part of the agency's reengineering effort is designed to decentralize decision making power. By putting more control in the hands of Mission personnel, their government and NGO counterparts, and of course the final recipients of our assistance, we will design programs that are more likely to produce results. Programs driven by Washington are often programs that bear little resemblance to the needs on the ground.

J. BRIAN ATWOOD,

USAID Administrator, "The Future of Foreign Aid," 1996.

USAID has chosen to channel all of its assistance for 1997 and thereafter through two projects: the Municipal Infrastructure Project (MIS) and the Bosnian Reconstruction Finance Facility (BRFF). The implementing agencies of these projects were selected through a closed bidding process open only to for-profit organizations who are new to Bosnia and will work primarily through large Bosnian organizations. Other U.S. Government agencies which have traditionally funded development projects, such as the USDA or the State Department Bureau of Population, Refugees, and Migration, are either excluding NGOs from assistance and working directly with the Bosnian Government or are unsure if continued funding will be available next year. The USAID/NGO partnership is ending in Bosnia.

We in the NGO community feel this it is a mistake to limit assistance in this way, and that it will be detrimental to the Bosnian peace process. Why do we feel this way:

- These projects are entirely top-down and do not work with those in Bosnia who are most in need. Currently, there are no USAID policies to help the vulnerable groups with anything other than emergency relief.
- These projects focus on a top-down promotion of existing businesses, rather than income generation for those needing work. Is it better to give loans to a large company in Sarajevo that may not hire additional people, or to provide income generation to demobilized soldiers who, without jobs, pose a much greater threat to the peace process? Or what about a group of Muslim and Croatian women who are interested in forming a new business?
- Sectors where NGOs typically work, including education, social programs, promotion of civil society, and conflict resolution, are being neglected by current U.S. Government assistance.
- These projects work with new players who have been brought in with little or no Bosnia experience. As they replace the NGOs, many cumulative years of experience with working in all areas of Bosnia will be lost.

WHAT DOES UMCOR PROPOSE?

We agree with the need for large scale infrastructure and business credit which the MIS and BRFF provide. We do not, however, believe that this is the only form of assistance the U.S. should be providing. Instead, UMCOR makes the following recommendations:

1. That the U.S. Agency for International Development (USAID) make future funding for the Municipal Infrastructure Program (MIS) available through open bidding, allowing NGOs to compete.
2. That \$30 million be set aside for NGOs from the Bosnian Reconstruction Finance Facility (BRFF) to implement microenterprise activities.
3. That the \$10 million in agricultural resources currently set aside for the USDA Food for Progress program for Bosnia be made available to NGOs to implement food or monetization programs.
4. That the USAID Partnership with NGOs be re-established in Bosnia and Herzegovina. Without this partnership, USAID may lose a strong entry into the U.S. public through the large constituencies of NGOs.

CONCLUSION

We have heard the U.S. Government speak of the need for a relief-to-development "continuum," in which an emphasis is made to ensure a smooth transition from relief activities to more sustainable development activities. We do not believe the current policy is following a continuum. Rather than including all levels of Bosnian society, the U.S. Government is making a rapid shift toward working only with the Bosnian Government and larger businesses. This limits assistance which is direct to vulnerable groups and microenterprises which potentially could employ significant numbers of people. This policy is not a continuum, it is a step backwards, away from all the accomplishments made by U.S. Government assistance in Bosnia over the last few years.

Senator LUGAR. Once again, we will adopt roughly 6 minutes for questioning, although if Senator Grams becomes more loquacious, we will give him plenty of latitude. [General laughter]

Let me just ask this general question about elections. Without going into endless biographical detail, a little over 10 years ago it was my privilege to be President Reagan's co-chairman of the U.S. election watching team in the Philippines. We did not have as large a delegation as apparently is going to go to Bosnia on this occasion, which is some 1,000. We had 30 people. But, nevertheless, they were very competent, skillful Americans, gifted in politics.

One of the predicates for this was that we already had information from our intelligence people and from polls they had taken that indicated a majority of the people in the country favored Mrs. Aquino, not President Marcos. But we also had, in terms of real-politik, advice from our intelligence people, our State Department and others that it was very likely Mr. Marcos would win the election.

If you ask how can this be, it can be because of some of the reasons you have been discussing today, namely, the will of the people is sometimes not necessarily expressed if the process breaks down or if wholesale fraud and abuse occur.

So we reported, I think in a sophisticated way and fairly immediately, and over the course of time all the fraud and abuse that occurred, and in due course the policy of our government supported Mrs. Aquino coming to power.

In the current situation, I ask each of you if we had polls that were able to divine what people in Croatia or in the Croatian part of Bosnia are thinking in this election, or in Srpska or elsewhere, would those results be vastly different from the ones that are likely to occur?

I ask this because I suspect that if Ambassador Holbrooke or other competent people such as he were to go out and observe this election, and 1,000 of them are there, there will be a long list, a book of fraud, abuse, and difficulty. The question always is, first of all, does this change what would have been the result.

Sometimes procedural difficulties occur in any election. And yet, the will of the people is so manifest that you really have to make quite a case that there would have been a different result.

Is this a close call? Or, as some have suggested, do a majority of people in Republika Srpska, for instance, really genuinely desire integration with Serbia? Do they clearly want that to happen? Or in the Croatian area, do they simply want integration with Croatia to occur?

In other words, we are accused, in a way, of legitimizing separation. But, in fact, that may be the will of the people.

Now do you have evidence that that is not the will of the people? You mentioned a few young people have visions of the future, of a multiethnic society. But, anecdotally, most of what we have witnessed, whether on CNN, in the press, or what have you, has been something very different—people who are vicious and extremely determined to point out they do not wish to be dominated by another religious or ethnic group. They want kinship with their own and some have rigorously engaged in ethnic cleansing to bring that about. Even now they are working very hard at it.

Granted that we will find an election that is marred by fraud and abuse. Are you and your organizations going to be able to interpret this in ways that would give some glimmering of what people really think, despite all these results? And, after you sort of predict the results, does it make any difference?

I mean, ultimately, if the will of the people in a democracy is for separation, that probably will occur, if not now then at some other point.

Do any of you want to comment on this general predicament?

Ms. WOODWARD. Yes. We have actually have data, believe it or not, two that I can tell you about. One is that the USIA has been doing excellent polling all along with reputable agencies that they have found who are actually locals. Also, Stan Greenberg led a team with the National Democratic Institute Focus Groups. Both in the last months show more than over the last, previously. That is to say, the trend is upward, toward public opinion supporting exactly what you've said, that in the Croatian held areas or the Serbian held areas, in Republika Srpska, these people want their own, what they might think of as a state. They don't want to be dominated by others and they want eventually to join their mother states, if you will, whereas the Bosnian Muslims want very much to have a whole, a restored Bosnia-Herzegovina as it was before the war and many of them are committed to multi ethnic fronts.

So there is no question about that first, that the public opinion polls tell us what we expect to happen.

The second thing is, however, what does it mean to say the will of the people under these circumstances. That is to say, it is only 9 or 10 months after the end of the war. The feelings are very raw. The people who might commit to the opposite view are refugees, because they were able to leave early, and they could come back and have very different views. And the fact is that the Dayton Accord is ambiguous. It does not say whether there is going to be a full Bosnia or whether there is going to be a partitioned Bosnia.

So the insecurity about the political future is leading everyone to vote for the most protective response, that is to say, for the party that says we will protect. Now that is reinforced by the electoral rhetoric. There is no question about that.

But I would say, finally, just in your phrase, there is no question in my mind that now, as a result of the history of the last 10 to 15 years in the former Yugoslavia, that each people who perceive themselves to be a nation—Croats, Muslims, Serbs—do not want to be dominated by another group because to control the state means

to control access to jobs, housing, and everything else under economic crisis.

They believe they have a right to that in the old system, or the right to national self-determination. That is not at all the same thing to say which state they would end up being happiest in.

Bosnian Croats in Croatia and Bosnian Serbs in Serbia find themselves feeling more Bosnian than Croat and Serbian, and in large part because the Croats and the Serbs don't want them. It is a two-way street.

So to say that they will now vote for each of their three parties does not mean to say that the long-term future wouldn't be to say that they could each have three regions within Bosnia.

Senator LUGAR. How do you get to the long-term future, then?

Ms. WOODWARD. Yes, and we cannot say that this is going to decide, any more than one American election decides forever which party is going to govern in the United States.

Senator LUGAR. I think you have made a good point. But how do you extend this process out? In other words, are you advocating, for instance, that we postpone this election and say let's try it again a year or two from now when things have settled down? The administration people today say well, this is sort of never ending under those circumstances, and the rigidities that are there now may even be worse by that point, that you have had no movement toward the structure of an all-Bosnian government of some sort.

So maybe it is a judgment call as to whether the future gets better or it gets worse under these conditions.

Ms. WOODWARD. I don't think it is a judgment call. There is no question that we don't have any choice about postponement now. It is going to happen.

But the Dayton Accord says that the next election should happen in 2 years' time. So what we should be thinking, as outsiders, is what we can do to make possible more of a secure, less feared response to an electoral choice in 2 years time and what kinds of conditions can allow the Bosnians themselves to decide: are they going to separate peacefully or are they going to start putting things back together again?

That is why so many of us care about having some residual follow-on military force—it can be much smaller—to help the civilian side of this administration work for the next 2 years. It can be 1 year with the United States, 1 year without, as I suggested with CJTF. But we need at least 2 years to provide. And there is a lot of literature about ending civil wars that suggests that that international commitment to the peace is the key element of whether these agreements succeed or not.

Senator LUGAR. Senator Grams.

Senator GRAMS. Thank you very much, Mr. Chairman. I only have a few minutes before I have to leave, but I wanted to thank the panel for being here.

Mr. Kozlowski, I want again to welcome you and thank you for being here. I want to direct a quick question to you.

Could you comment on reports by the U.N. High Commissioner for Refugees and human rights groups that say that Bosnia will remain ethnically cleansed after the elections? Do you believe this to be the case?

Mr. KOZLOWSKI. From our experience, Senator, we were working primarily in Central Bosnia in primarily a Muslim area. The feeling of the people that were working is on the ground, let's say, a very welcoming feeling. I think people who have lived there together for centuries in peace—Serbs, obviously Serbs and Croats were in the minority there in pockets—they have lived there for centuries in peace, and the evidence that we have all through the last 2 or 3 years that we have been operating there shows that they want to go back to that.

So what happens because of the elections is very difficult to say. But I feel that on the ground, at the grassroots level, the people that we have encountered really do not want to see that happen.

Senator GRAMS. I just have one other quick comment, or question, for Ms. Woodward and maybe Mr. Fox. You talk about the long-term future in Bosnia. We should look at this when we are talking about our current mission that U.S. forces are in Bosnia for.

If we are looking for a long-term future, we are talking about mission creep. In other words, we don't have or this committee did not authorize and we did not think we were going to get into the reconstruction, I believe, of long-term activities in Bosnia and the region.

There were some of us that even feared that the price of \$3.5 billion for this mission alone would only be a drop in the bucket if we are talking about American taxpayers footing the bill for the reconstruction and long-term future goals in this area.

So without getting into mission creep, Ms. Woodward and maybe Mr. Fox, what do you think is the role or the job for the IFOR forces right now? If you are talking about those long-term goals, I do not think it comes under the jurisdiction that we have authorized so far. In other words, I think this mission should come to an end, and if we want to talk about putting American taxpayers at risk for billions of dollars more for the reconstruction of this area, I think this requires another hearing for the committee.

Would you agree with that?

Ms. WOODWARD. I agree completely. The mission of IFOR was to separate the forces—

Senator GRAMS. To allow for an election.

Ms. WOODWARD [continuing]. And to consolidate the cease-fire.

Senator GRAMS. Correct.

Ms. WOODWARD. It's done.

Now that could unravel if the other pieces do not start playing together, start working. That requires some military force on the ground to help with logistics and intelligence, keeping routes open, and a whole range of things that only the military can do, and also to make sure that those heavy weapons remain in cantonment, and so forth, and to reassure the population.

So we need a new mission. But, second, I would say that, in terms of long-term, this is not an American tax dollars for reconstruction matter. The Europeans are going to pay for that.

Senator GRAMS. They've said that before.

Ms. WOODWARD. I will add that there are a lot of American businesses who would like a share of that. So when we say we are not going to participate, we are making a statement about the profits

of American businesses. But we really do not have to contribute much money to the reconstruction.

But the Dayton Accord says 5 years. We have already committed to 5 years on the civilian side, and we will need some military force for that. This is why I would like to mention the fact of what it really means to be long-term, and that is this. When I said that it is not only Bosnia that we are talking about here, we are talking about the American role in Europe and European security and the role of NATO.

This mission in Bosnia is the operative job training, if you will, for the new NATO. That is what is going on. It is whether we will commit, whether we want to continue to dominate, what the burden sharing is going to be. How much are the Europeans going to accept—more of a transfer? What are our relations with Russia? Will we stabilize this entire region, including its links to the Middle East, which are extremely important.

I mean, the whole range is being set now.

So I think there is somewhat an American taxpayer interest in the long-term, but in a plan that would be very efficient in stabilizing over the next 4 to 5 years.

That is all that is needed. The Bosnian citizens, the population, are some of the most highly educated, particularly in a technical sense because of industry, of the entire continent. And there are American military surveys on the ground that will show this to be the case.

Senator GRAMS. Are you being optimistic with 4 or 5 years? You are talking about keeping a military intervention. I think the only reason there was peace in the region for the last 20 or 30 years was because it was under a rigid control by Tito in Yugoslavia that kept the areas apart. When you broke that down, the old hatreds began.

Are you suggesting that if we only have 4 or 5 more years that the problem will be solved?

Ms. WOODWARD. I am saying that in between 4 and 5 years we will decide what the political future of Bosnia is going to be.

Senator GRAMS. "We will decide?" Shouldn't that be up to the local people?

Ms. WOODWARD. No, I mean just for the entire—no, the whole—the situation will. I apologize for the way I said that. The situation will decide. If we can allow them to do it peacefully, instead of by having to go back to war, then we can decide are the trends in terms of one Bosnia. Is it in terms of three Bosnias? Is it in terms of one smaller Muslim state?

But if that can happen peacefully—it's just, in a sense, like Chechnya. We delayed for 5 years the decision, but at least there won't be any more war. If we can have it happen peacefully, we will have made an enormous contribution to peace in the world, not just in Bosnia.

But I think the other thing that is important—I'm forgetting your other point. But John may want to say something. Then I will come back.

Mr. FOX. Yes. I would say, Senator, compared to what? Bosnia was not cost free when we were not engaged. It was very expen-

sive. It cost U.S. taxpayers billions of dollars a year then, when you added up the full bill.

It cost NATO much more. NATO's credibility and standing in Europe, and I would say U.S. credibility more broadly, have been restored significantly because of the Bosnia intervention, because of U.S. leadership. And anyone who thinks that we will get anywhere in Bosnia or in the region without U.S. presence on the ground is simply mistaken. They do not respect the European powers. They respect the United States, and we see that every day.

I think it is, relatively speaking, a marginal cost, even in dollar terms, when you add it all up. The U.S. cost to the taxpayer, the U.S. cost will decline sharply, as I understand it, under postIFOR planning. You are looking at some sort of reduced force. Nobody will talk about it, but it is in the neighborhood of 5,000 on the ground with reserve forces in Hungary and Italy.

These are not large places. These are not giants, the people that are being kept in the box, as the military says. And keeping them in the box is actually much cheaper, when you look at the full cost-benefit, than letting them out.

Senator GRAMS. I would just suggest before I leave, before I allow this mission creep or would vote for it that I would ask for more hearings to make sure that the American people were informed; that even if this is a small cost, or whatever, the commitment we would make would have to be aired publicly without just saying well, we're there now, let's just allow it to escalate. That we won't allow.

Ms. WOODWARD. I wonder if I could just add that I think that is extremely important, because one of the reasons we need so many troops on the ground is the American commitment to force protection. We need a lot more than most other countries because we really care about not having a single casualty.

That we understand to be an American public demand. They should know what the costs of that are, and I think that is a good thing.

Second, Kosovo and Macedonia are not yet resolved. I don't think they want to see another series of wars of the same kind as in Bosnia. They were very disturbed, and rightly so, by what happened in Bosnia. And if we can prevent that from happening by keeping a peace umbrella in the region, I think they would vote for that.

Senator GRAMS. Thank you very much.

Thank you, Mr. Chairman.

Senator LUGAR. Thank you, Senator Grams.

Let me just say that I think Senator Grams' questions point out, as does your testimony, some disconnects between current events and what has to be an ongoing search for an American foreign policy for Europe.

Without making an excessively partisan comment, we are in the midst of a presidential election. Clearly, it is difficult for the administration witnesses today or for the President to discuss all of this in ways that will be congenial with the American people.

Bosnia is a complex and a controversial issue. But we know that in December we are about to have a very important, momentous meeting of NATO countries to determine whether we will expand

the alliance. Curiously, this comes almost at the same time that we have to decide what we do about IFOR or what we do about Bosnia, and the two are not different subjects.

It is very difficult to think of a robust NATO expanding while, at the same time, all of the countries involved in Bosnia folding up their tents and hoping for the best in the middle of Europe. So that will not occur.

Either President Clinton or President Dole will have to think through, hopefully with the Congress and with some of you who have interests on the ground, what we do. We need to have a debate. One of the values—and I appreciate your testimony today—of this hearing is that we have not really had a debate. This is the first public hearing in the Senate of any substance on the Bosnian question, really, in the last 9 months.

Occasionally, there have been anecdotal statements and comments. But each of you has made a very fine attempt to give some view of where things stand, and we appreciate the grimness and the difficulties. But life will go on there and in this country, too, in a constructive way.

It is beyond this hearing to solve what we do. But at the same time the importance of this issue to Europe, why we are involved in Europe at all, why Europe is important to the United States, and how we proceed is extremely important. Many critical decisions are ahead of us.

As you heard with the last panel, I have asked them to be alert in the case we have an opportunity for another hearing to interpret what happens on September 14. As the administration said today, the election is the nudge forward. But it is important to know how that is interpreted, maybe how some of you interpret it.

Let me just ask this. Are any of your organizations going to be involved in actually writing papers on your interpretations of September 14? In other words, how will we or the American people have some idea in a sophisticated way of what occurred there on the ground, both in terms of process but, likewise, what seemed to be the will of the people. I am just curious whether any of you will be involved in reporting that action.

Ms. PAUL. Yes. If I could just comment, we do have people on the ground in Bosnia-Herzegovina. We will continue to cover the conditions on the ground during the elections and also until the municipal elections are held. I think a lot of our concerns extend to that period of time.

Senator LUGAR. Yes.

Ms. PAUL. And then, beyond that, of course, we are very concerned with the long-term picture in terms of human rights protection in Bosnia. We will continue to cover that.

If I could just remark, one of our major concerns is that, as was raised by Senator Feinstein, persons indicted for war crimes are still at large. In fact, most of the persons indicted for war crimes are at large.

I don't know if anyone has heard that, in Banja Luka, for example, and in Republika Srpska, which is a so-called moderate town in the Republika Srpska, in more than 40 percent of polling stations just recently posters of Radovan Karadzic have gone up. So

now OSCE has to decide what they are going to do to handle that situation.

There have been a number of opportunities, according to our information from the ground, where there have been opportunities for NATO troops to apprehend Radovan Karadzic and Ratko Mladic. Karadzic was seen in Banja Luka, for example, early on in the Dayton peace process giving speeches.

So we are very concerned that that attention, that the need for justice, that the proposed American support for the International War Crimes Tribunal really does continue, so that there can be some impetus for the growth and development of moderate views and of a democracy in Bosnia. This is because as long as those influences are there, we have grave concerns about their being able to flourish.

Senator LUGAR. I believe you made an important point earlier that the elections to be held locally will have rules determined by the new national government that will come into power, as opposed to the provisional rules. That would be worth exploring—the markers of what would have been the rules of the game if the election had been held locally this time and what the rules turn out to be in December, or if there are differences.

Ms. CALABIA. I think, Mr. Chairman, that UNHCR will, of course, remain on the ground. We have 600 staff, approximately, in Bosnia, including some of the staff of implementing partners, like the American Refugee Committee.

We will be reporting on our observations based on the noncorridor routes and what happens to people who attempt to vote.

But I also will tell you that we are very concerned that the donors and those contributing forces to the situation encourage the parties to live up to their agreements. Obviously, it is the responsible government which has to make things happen in Bosnia, and that has to happen at a national level and it has to happen at a local level.

We are committed to doing our part to encourage and to see that assistance is provided only to those who cooperate. We would hope that other donors would take similar postures as the United Nations is doing.

I would just again say that UNHCR, for 4 years during the war, with UNPROFOR was able to provide relief and prevent people from starving to death. UNPROFOR played an important role, a much maligned role, in a very complicated and difficult situation. IFOR has done a marvelous job, as all the panelists have agreed. The question is what kind of arrangements will be made to insure that security continues and that the gains that we have made are not lost in the months ahead.

I thank you for your interest.

Senator LUGAR. Thank you. Mr. Kozlowski.

Mr. KOZLOWSKI. Mr. Chairman, as an operational organization, we do not have the possibility to interpret the elections ourselves. However, we are in touch on a day-to-day basis with the people who are going to vote. We could very well and would like to bring their opinions to the committee if you feel that might help in the committee's deliberations on what happens beyond the elections.

I think to hear from the people themselves perhaps would give a very good perspective.

Senator LUGAR. Thank you.

I thank each one of you for your testimony and for the work of your organizations.

This hearing is now adjourned.

The record will remain open for other committee members to submit statements or questions. I simply want to announce that as a final housekeeping procedure.

[Whereupon, at 12:58 p.m., the subcommittee adjourned, to reconvene at 9:33 a.m., October 1, 1996.]

THE CURRENT SITUATION IN BOSNIA

TUESDAY, OCTOBER 1, 1996

U.S. SENATE,
SUBCOMMITTEE ON EUROPEAN AFFAIRS
OF THE COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:33 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Richard G. Lugar (chairman of the subcommittee) presiding.

Present: Senators Lugar, Pell, and Robb.

Senator LUGAR. This hearing of the Senate Foreign Relations Committee's European Affairs Subcommittee is called to order.

We appreciate the witnesses being here this morning.

This is the second hearing before the European Subcommittee in the past 3 weeks on the situation in Bosnia.

On September 10, the subcommittee heard testimony from administration and public witnesses on progress in meeting the goals and requirements of the Dayton Accord. I want to continue that dialog today.

Since that first hearing, elections have been held throughout Bosnia to elect officials to the new government, and we are most hopeful that the Federation and the Republika Srpska and others in their initial meetings have set the stage for further progress.

There has been increased speculation on a follow-on international force to replace or overlap the IFOR which is scheduled to complete its 1 year deployment timetable on December 20. Indeed, there are reports in the press this morning of 7,000 United States troops going to Bosnia before the local elections. Perhaps the witnesses will have comments on that development.

On September 14, voters went to the polls to elect the 3 member Presidency and the 42 member legislature of the central government. They also elected members of assemblies in the Federation and the Republika Srpska to the Presidency of Srpska. All municipal elections were postponed.

We heard conflicting views about the effects of the elections on peace and stability in Bosnia at our previous hearing. Much of the criticism centered on the limited conditions for free and fair elections in the run-up to the elections.

As I read the commentaries on the elections themselves, there appeared to be a loose consensus that no massive fraud was witnessed on election day, although observers cited numerous violations which led them to doubt the fairness of these elections. One observer mission concluded that more voters actually voted than

were registered to vote. Although certified by OSCE, the elections were not declared "free and fair."

The most common criticism of the elections has been that they have bestowed legitimacy on nationalist and separatist candidates who espouse partition, rather than a unitary, multiethnic state, a goal embedded in the Dayton Agreement. Indeed, the results indicate that the nationalist parties won overwhelmingly and that opposition, moderate, or multiethnic parties and candidates did more poorly than in the 1990 elections.

More generally, I fear that for policy reasons which may be laudable at the time, we may be relaxing our standards for judging free and fair elections so much so that we overlook evident weaknesses and deficiencies to the point where such elections are increasingly bereft of their intended purpose of promoting democracy. When we do so, we risk undermining the very legitimacy that such elections are intended to bestow on the victors.

On the positive side, opposition parties will now be at the table and have a voice on matters before them. New competing power centers in and between each entity may have been born by these elections, a potential step for building political pluralism.

It strikes me that the elections are an important starting point, not an end point. The process of reconciling differences among the ethnic groups and promoting democracy within and among entities will be long and difficult.

Clearly, the situation in Bosnia is far better today than it was a year ago when ethnic killings, personal hardships, and deprivations were rampant and commonplace. No one should expect instant gratification from these elections or expect that cooperation, harmony, or stability can or will develop quickly.

Having said this, a number of obstacles and unresolved problems remain, which I hope we will discuss this morning.

The postponed municipal elections must still be scheduled and it is not yet clear whether electoral conditions, specifically registration standards that would permit voters to cast their ballots in places where they never lived but intend to reside, will be modified or retained.

There has been little progress in arbitrating the contested area around the strategic area of Brcko.

Freedom of movement across entity lines is minimal, dangerous, and de facto separation is progressing daily.

The Federation holds promise, but Moslem and Croat members are at loggerheads and with little effective military cooperation between the armed forces of both sides.

Joint institutions of government and the economy have yet to be developed, progress in prosecuting the indicted war criminals has been sluggish, and the presence of indicted persons during the election is a constant reminder of the lack of progress.

The International Police Task Force, the IPTF, under the responsibility of the United Nations, provides little confidence that law and order will be administered impartially and effectively. If IFOR withdraws, can the police enforce the Dayton requirements?

The arms control agreement has succeeded in the cantonment of most, but not all, major weapons, but none have been destroyed or

disposed of to date. If IFOR leaves, who will insure that these weapons remain in their depots?

There is little tolerance for an independent media and the growth of the independent sector by the political leadership in Bosnia, Serbia, or even Croatia.

Finally, no firm decision has been made or announced for a follow-on international force in Bosnia despite forecasts that chaos will resume in the absence of an external military presence. I know of no one who does not believe that some international force will be needed to enable the civilian programs to develop and to succeed.

There are, of course, other problems that must be addressed if the chances for peace and stability in the Balkans are to be enhanced. No one should be dismayed by the fact that there will be setbacks, failures, and foot-dragging along the way. The task is monumental, the obstacles are enormous, and the challenges unique. But achievement of peace and stability are by no means hopeless.

Today, we will hear from witnesses who have been intimately involved in the formulation and implementation of American policy in Bosnia. We will follow that with our panel of public witnesses who testified at our first hearing.

We will hear first from Assistant Secretary John Kornblum, who testified before the committee last month and who has spent much of the intervening time in the Balkans.

Then we will hear from Richard Holbrooke, Mr. Kornblum's predecessor, architect of the Dayton Accords, and head of the Presidential Election Observer Group in Bosnia during the September 14 elections. Mr. Holbrooke is now Vice Chairman of CS First Boston, an investment firm. I want to thank him for taking the time, particularly from his very busy schedule, to come to this hearing.

At this time, I will ask Assistant Secretary Kornblum to start with the statement that he wishes to offer. It is good to have you here again, Mr. Secretary.

STATEMENT OF HON. JOHN C. KORNBLUM, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF STATE, BUREAU OF EUROPEAN AND CANADIAN AFFAIRS

Ambassador KORNBLUM. Thank you, Senator.

I have a written statement which I have submitted for the record and I would perhaps just make a few opening comments.

First, I might say that I think your summation of the situation is as good a statement as I have heard of the situation, and I think that you have highlighted both the progress which has been made and the opportunities of the peace process; but also in a very succinct fashion you have set forth the difficulties, the things which we are, in fact, working on.

In discussions that I have had with this committee and other administration officials, I have stressed from the beginning that what we are involved in here is a very complex peace process which began, literally, in warfare, which took us through a ceasefire, took us through agreement on the foundations for the continuation of a Bosnian state with unified joint institutions, and has then taken us from December to this point through a very difficult but steady im-

plementation of the various aspects and principles of this institution.

As you mentioned, the elections have now been completed and, despite questions which invariably arise in such elections, they have been certified as having met the standards which the OSCE established for them. I think the importance of these elections is demonstrated by the fact that less than 24 hours after the certification the three Presidents did meet, the members of the Presidency, and, rather than having a preliminary, almost social, gathering, they had a very substantive and business-like meeting, which lasted over 4 hours, which resulted in a communique supporting both the constitution of Bosnia and Herzegovina and the Dayton peace process, giving their commitment to complete the construction of the Council of Ministers, which is, essentially, the governmental organ of Bosnia and Herzegovina by the deadline of October 30, which had been set in a meeting with Secretary Christopher last month, and which gave their joint intention of working to build reconciliation in their country.

Now in light of the many problems which continue to exist, this first meeting should not be taken as a sign that everything is now moving on a perfect track. But what it does demonstrate, as we have been working toward over the last year and have suggested in this committee before, is that there is, in fact, a foundation of both common interests in this agreement, a foundation of arrangements which have worked and which can work, and a foundation based on the commitment of the international community to provide both the resources and, shall we say, the political impetus, the political encouragement, and at times pressure, to make sure that the parties in Bosnia remain both publicly and actively committed to building the kind of peace which we all believe is essential if the former Yugoslavia and the Balkans are to remain stable and democratic, or are to become stable and democratic.

President Clinton and Secretary Christopher have instructed me and those who work with me to continue an active diplomatic effort. As you said, Senator, the elections are not the end of anything. They are probably not even the midpoint of the process. We have a great deal of work ahead of us.

I have, as you mentioned, been in the Balkans for a good time since the elections. I am leaving again tomorrow for another trip. On Saturday, I will be present for the official "investiture," if you will, of the Presidency and the half of the National Assembly of Bosnia-Herzegovina, the so-called House of Representatives. The other half, which is the House of the Peoples, will take somewhat longer to put together.

But with the official investiture of the Presidency and the House of Representatives, the constitutional basis will be laid for nominating a Council of Ministers, for nominating a Constitutional Court, and for building the joint links which are to form the foundation of the reconciliation in Bosnia.

In the coming months, the United States, together with the members of the Contact Group, will be focusing on a number of important areas as we pursue this peace process. The first will obviously be the establishment of the joint institutions. This means not only the Presidency, the Council of Ministers and the institutions

I have just mentioned; it means also the continued work on the Bosniak-Croat Federation, which, as you know, is one of the important entities of Bosnia-Herzegovina. It will also mean working to establish central economic institutions, which are essential both for the health of the country, the development of the country, but which the international donors have also designated as the only channel through which they will give economic reconstruction assistance in months to come. This means that there will be a very strong incentive on the part of all parties. In fact, the Presidency, the three presidents mentioned this in their communique yesterday—the very strong incentive to build the joint economic institutions which are an important part of the structure.

We will also be working quite in detail on maintaining an international implementation structure. It will be different in shape and in content from the structure of the first year. It will be based on the progress that we have achieved in the first year, and it will have as its ultimate goal, which is also the ultimate goal of the Dayton Agreement, its going out of business, so to speak, of turning responsibility over to the parties.

But there is an understanding that on the civilian side, in particular, it will be essential that there be a continuation of an implementation structure. And, as you alluded, Secretary Perry made clear, I think, in Bergen this week in his discussions with NATO ministers that a planning process will go on now to determine whether, and if so, what kind of follow-up security mission should be designed for the international community after the completion of the IFOR mandate in December.

Here I think it is important that we be clear in our terminology. The IFOR mandate will complete in December. It is on track. It has achieved what it was intended to achieve.

But, as Secretary Perry mentioned in Bergen, there is a good deal of consideration to the possible need for follow-on security missions. You mentioned the International Police Task Force, which will be a very important aspect of what we are doing. But it is also possible that NATO will consider the advisability of a follow-on mission. A study is being conducted now in NATO, and the decision of the administration as to how to approach a follow-on mission will be based very much on what goes on in this NATO study.

Finally, I want to stress—and I think it is very important—that as we talk about all of this diplomatic and military activity, which is very important, we have not forgotten the basic purpose of this peace process, that is, obviously, first to end the war and to build a structure of peace, but also to restore to Bosnia and Herzegovina very important elements of civil society and to help build democratic structures there.

So as we move forward with the peace process, the United States, working with members of the Contact Group and the Steering Board, will be focusing also on a number of issues. We are devising an action plan which will make sure that the content of the peace process not be forgotten.

I would highlight in this regard a number—not all, but a number—of the issues that we will be dealing with. These include war criminals, something which is high on our agenda and has not been forgotten in any way. It includes the very important issue of free-

dom of movement and resettlement of refugees, an area which, as I mentioned, I think, in my last discussion with you, has not been implemented satisfactorily, something which we need to put a great deal of effort into and which we intend to do. Economic development is not just a question of money, giving money for economic reconstruction, but it is also building truly modern structures of a modern, free market economy in this country, structures which do not exist on either side of the inter-entity boundary line at the moment.

Finally, we have through a number of agencies, through USIA, through AID, and through our cooperation with the international community, a program of democratization, which we are continuing to pursue with some effort. We will make sure as we go forward with this process, as I said before, that it not simply be a process of building diplomatic structures for the sake of building them, but that there is a purpose to it. This action program will be designed to make sure that the purpose is made clear and that we actually do something about it.

With that, I would be very interested in and grateful for your questions.

[The prepared statement of Ambassador Kornblum follows:]

PREPARED STATEMENT OF JOHN C. KORNBLUM

Mr. Chairman, thank you for this opportunity to appear before the committee to discuss the current situation in Bosnia, particularly following September elections and our discussions last week with the parties in New York on the margins of the UN General Assembly meetings.

As you know, two weeks ago, the people of Bosnia went to the polls to select the individuals who will continue the process of building a lasting peace. In addition to a three-member national presidency, they selected parliamentary representatives as well as entity and cantonal leaders. President Izetbegovic has been selected to lead Bosnia for the next two years as chair of the collective Presidency, which includes Serb leader Momcilo Krajisnik and Croat leader Kresimir Zubak.

I cannot overstate the importance of these elections. The signal effect of these elections was demonstrated yesterday, when the newly-elected members of the collective presidency met for the first time in Sarajevo, less than 24 hours after the certification of the vote by the OSCE. The Bosniak, Serb, and Croat members held over four hours of discussions, overcoming considerable trepidation to take the first concrete steps in the formation of a new government. They issued a joint statement in which they reaffirmed their commitment to the Dayton Constitution and agreed to an ambitious timetable for naming a new Council of Ministers. The three agreed to meet again this Saturday, October 5, for their formal inaugural session.

The process which culminated September 14 represented the most complex election effort in recent memory. The Organization for Security and Cooperation in Europe, which organized the elections, overcame numerous, serious obstacles. Working in close cooperation with the NATO-led Implementation Force, the International Police Task Force and the High Representatives office, the OSCE not only managed the voting in both entities for central government and entity-level institutions but also oversaw the voting of refugees spread throughout 55 different countries.

These elections defied the predictions of those who forecast massive violence and fraud. Problems occurred, naturally, but Ambassador Frowick and the Provisional Electoral Commission certified the results on September 29. Frowick described the elections as reasonably democratic. The OSCE Coordinator of International Monitors also issued a positive assessment in his final report.

For the first time ever, all Bosnians went to the polls to chose a single government for a single state. They may have held different views, but for the first time they followed the same rules.

Now that elections have been held, we face the next great challenge in the peace process, translating the results into action. Immediately following the voting, President Clinton and Secretary Christopher directed me to begin a diplomatic offensive to move the process ahead. Before returning to Washington, I met with both Bosnian President Izetbegovic and Serbian President Milosevic as well as our Euro-

pean partners to discuss the challenges ahead. Last week, Secretary Christopher and I met with President Izetbegovic, Croatian Foreign Minister Granic and "FRY" Foreign Minister Milutinovic on the margins of the United Nations General Assembly meeting in New York. I will return to the region later this week on a follow-on mission, during which I hope to attend the opening session of the newly-elected House of Representatives in Sarajevo.

While we have reason to be confident that the peace process remains on track, significant challenges remain before us. We must address the question of post-IFOR security; ensure that the parties establish the institutions of the central government mandated by the Dayton accord; hold municipal elections; see full compliance with arms control agreements, continue to advance relations between the three Dayton capitals; speed the delivery of reconstruction assistance; and organize international efforts to support consolidation of the peace process in the coming year.

Now that elections have taken place, there has been much discussion about what sort of security arrangement, if any, should be put in place following IFOR's departure. Let me first emphasize that IFOR's mission will be completed at the end of its mandate of approximately one year, in keeping with President Clinton's assurances in this regard. We do not see any need to continue IFOR's mission as currently defined beyond December 20. That said, it is clear that, even with successful elections and the considerable progress we have made over the past year, the situation in Bosnia remains complicated and that there are going to be ongoing security tasks.

We have begun discussions with our partners in the international community on how to address these security tasks. Secretary Perry met last week in Bergen, Norway, with his NATO defense minister colleagues to review, among other things, the security requirements for Bosnia following IFOR withdrawal and the possible configuration and composition of any follow-on mission.

At the Bergen meeting, we asked NATO military authorities to begin looking at the anticipated security situation in Bosnia next year and to develop a range of possible security options.

We will continue consultations and planning in the weeks and months ahead, but I should emphasize that no final decisions on an IFOR follow-on force have been made, nor will be made for some time—indeed, it is only now, in the post-election environment, that we are beginning substantive talks within the alliance. There will be no decisions on whether a continued international security presence in the region is needed or, if so, what forces NATO might need to provide until the options developed by NATO planners have been reviewed by members of the Alliance, including, of course, the United States.

As the process moves forward, we will also discuss these issues with the Russians and other countries outside NATO that are participating in IFOR. We will decide the appropriate U.S. role based upon the NATO study. Our current position is that we are prepared to consider U.S. participation if the study shows it is appropriate and necessary.

We fully understand and appreciate the need to work closely with Congress on questions that involve the deployment of U.S. troops. Clearly, the prospects for the success of any such effort, if it occurs, depend significantly on whether we have gained Congressional and public support. We will work diligently toward that goal.

A key goal of post-IFOR security arrangements will be to strengthen the capabilities and mandate of the International Police Task Force. We are taking steps to ensure that the IPTF is put on a better financial footing, that its staffing is strengthened, and that its mandate is better defined. As our consultations on post-IFOR security continue, we will address the relationship of IPTF or an IPTF follow-on force to local police and to any post-IFOR military force.

Foremost among our immediate objectives following certification of September 14 elections results is building the joint institutions essential for fulfilling Dayton's promise of reconstructing a unitary Bosnian state. This will involve detailed negotiations to define responsibilities and to divide portfolios among the three ethnic groups. Active U.S. leadership will be vital to secure rapid establishment and effective functioning of these institutions.

U.S. officials in Sarajevo worked closely with the High Representative's office in a common approach to the parties to ensure that yesterday's meeting of the collective Bosnian presidency took place. We will continue to encourage the presidency to move quickly to determine the configuration and distribution of a Council of Ministers that will head the administration of the new central government. I will underscore the importance of rapid movement on a new government when I meet with the parties in Sarajevo later this week.

Key national economic institutions, such as the Central Bank and public corporations, also must be established quickly. We can facilitate the creation of these insti-

tutions with technical and policy assistance. Working groups to coordinate the major donors and the IFI's have already been established in Washington and Sarajevo.

Complementary to this approach will be our continued engagement with the Federation and cantonal governments to ensure that Federation institutions are strengthened, and that agreements already reached, for example, on the defense law and police issues, are fully implemented.

We will use the calendar of diplomatic meetings to advance our work with the parties on the ground. The international community will be actively engaged this fall on maintaining the momentum created by the elections, but the details of the meetings have not yet been worked out. There has been some public discussion, for example, of meetings in Paris and London later this year on civilian implementation. These events will maintain the momentum of the peace process and provide the framework for implementation efforts into 1997.

Our work isn't just about new structures and international meetings, however. We intend to take action to implement more vigorously Dayton's humanitarian and democratization agenda, including ensuring freedom of movement, return of displaced persons and refugees, arrest and prosecution of indicted war criminals, democratization, and economic revitalization. As our diplomatic steps proceed, it will be especially important to place emphasis the human rights component of our efforts in Bosnia, which focuses on the substance of reconciliation and reconstruction of a civil society. We recognize that progress on these key issues is essential to creating the necessary environment for long-term reconciliation.

As you know, the OSCE has announced preliminary plans to hold municipal elections in November, and we support the OSCE in its attempt to hold these elections at that time. I recognize that the task of organizing these elections within this time-frame will prove challenging. There are significant technical and logistical obstacles to an early election date. We have confidence, however, that the OSCE will not jeopardize the effectiveness of municipal elections, should it not prove possible to resolve all the organizational challenges in the next eight weeks, and that it would take appropriate action in that event. Of greatest importance will be ensuring that these elections are not vulnerable to the same manipulation attempts that forced their postponement earlier. Security for the thousands of Bosnians who travel to vote will also be a top priority in planning these next elections.

Finally, our efforts to secure the peace in Bosnia will be enhanced by strengthened relations between the Dayton signatory governments. Serbian President Milosevic and Croatian President Tudjman recently established diplomatic relations between their two countries. In two days, Presidents Izetbegovic and Milosevic will meet in Paris to further efforts to normalize their bilateral relations. There, they will discuss steps to establish diplomatic relations and improve commercial, transportation, and communications links.

There should be no doubt that, despite the lack of progress in some areas and despite the undeniable tensions that still exist between the ethnic communities, the Bosnian peace process is on the right track. September 14 elections laid a very good foundation for the future. With U.S. leadership and assistance, the people of Bosnia have given themselves a second chance. We have said many times that our goal is turn responsibility for Bosnia over to the Bosnians. As we turn now to the task of establishing the new institutions mandated by the Dayton agreement and by nationwide democratic elections, we move that much closer toward that goal and toward a lasting peace in Bosnia.

Senator LUGAR. Thank you very much, Mr. Secretary.

We have been joined by the distinguished ranking member of the committee, Senator Pell.

Senator Pell, do you have an opening statement for this hearing?

Senator PELL. I have a brief opening statement that I would request be put into the record as if read.

Senator LUGAR. It will be so ordered.

[The prepared statement of Senator Pell follows:]

PREPARED STATEMENT OF SENATOR CLAIBORNE PELL

I would like to join my colleagues in welcoming today's witnesses. I look forward to hearing their testimony regarding the recent election in Bosnia, as well as the future of U.S. involvement in the Bosnian peace process.

On September 14, the people of Bosnia voted. While these elections were far from perfect procedurally and the strong showing of ultra-nationalist politicians was disappointing, I am pleased that IFOR succeeded in keeping violence to a minimum

on election day and that the vast majority of Bosnians had an opportunity to cast a ballot. That in itself is a notable accomplishment in a region long noted for settling its differences by the sword rather than through the ballot box.

I welcome today's witnesses and look forward to hearing more from them regarding the Administration's plans for municipal elections in Bosnia and for IFOR's future.

Senator LUGAR. We will conduct questioning, at least Senator Pell and I, and will go back and forth, as required.

Let me just test, first of all, the validity of the election process. The elections were certified and, as you have pointed out, within 24 hours the 3 Presidents have come together. There was discussion from a technical standpoint, as I cited in my opening statement, by one observing body that more votes were cast than there were people eligible to vote, and that this threw some confusion over the validity of the count. There were some charges made that President Izetbegovic's plurality was suspect in the event that more votes were cast by his supporters than were valid.

What is your judgment about this? Was it expediency that led people to say we know how this thing has come out and we ought to certify it? What sort of judgment do you have about the election results?

Ambassador KORNBLUM. There were a number of issues that came up with the election. First was the question of the absolute number of people who voted versus those who were eligible to vote. And there were these claims that more people voted than were eligible.

The Election Appeals Subcommittee did a very detailed study of this and came to a conclusion. They even extrapolated the number of people who had, unfortunately, died between 1991 and now. They came to the conclusion that the actual vote was somewhere between 75 and 77 percent, and that, in fact, it was highly unlikely, if not totally impossible, that any number such as 103 or 104 percent would have been valid. That is the first issue.

The second issue is whether a recount was necessary or not. Again, the various challenges to balloting in various places were looked at. There were, in fact, some problems which were adjudicated. But the unanimous judgment of the Provisional Election Commission was that within an error which is acceptable for such elections the balloting was accurate and the election results could be certified.

I think the important point to note here is that the persons who were involved in this, both on the Election Appeals Subcommittee and on the Provisional Election Commission, were made up of a number of different representatives from different places—from the parties themselves, from the international community—and that it was the unanimous judgment that the elections had fallen within the standards set by the OSCE.

So I think it was more than just a question of expediency. Again, these were elections conducted under a very difficult situation and I am sure that there were areas where they were not perfect. But the unanimous judgment of the Election Commission was that they did meet the standards and should be certified.

Senator LUGAR. Now the people elected have been characterized as nationalists, some as ultra-nationalists, and separatists in some

cases, people who are seemingly not very committed by their public actions or rhetoric to a multi ethnic, united Bosnia.

This was predictable, and I think most polling indicated that such people would be probable victors. The rationalization was that democracy works and this is what people want. But as you take a look now at the results of the election, that is, at the actual persons who have come into office and who have legitimacy, do you have any forecast or optimism about their ability to work toward a unified Bosnia?

Ambassador KORNBLUM. I would say two things about that.

First, as I mentioned in my opening remarks, the Dayton Agreement is a combination of structures and, shall we say, leverage. In other words, it is based on what we believe and I think experience has demonstrated is a clear self interest of the parties to move beyond warfare and move beyond the reasons which caused them to get into the warfare to begin with, into peace.

It is interesting that Mr. Krajisnik, the Serbian member of the Presidency, made a statement very much in that vein, which was quoted in the press this morning.

I think that we should not underestimate the fact that, while the rhetoric is there and perhaps was also designed very much for an election campaign, there has also been a great deal of suffering over the past years and that there does seem to be a commitment to peace.

Second, as you said, it was perhaps to be expected that the nationalist parties won. We should not forget that the country—and I can tell you this from many, many personal visits and discussions—the country is still very much in a very defensive, wartime mentality. It is perhaps natural that the public, not just the leaders but the public themselves, are still voting in a defensive manner, voting in ways which they think will defend them against those persons with whom they had conflict.

So I do not think it is surprising that the major parties, which I described as the nationalist parties, did very well.

What is interesting is, despite all of the destruction of recent years, despite the destruction of civil society, which is what has happened, and despite a good deal of fear—there is no question about that—that especially in Republika Srpska other parties did well. For example, it has not been reported very much, but the SDA, which is the Muslim party, will have a substantial bloc of seats in the parliament of Republika Srpska. These were, I'm sure, based mostly on refugee votes. But it shows that the process did, in fact, work; that those people who had been "cleansed" out of their homes were allowed to vote and did, in fact, elect a good number of seats in the Republika Srpska parliament.

The first comments, anecdotal comments, that we received demonstrate, in fact, a great sense of relief and expectation that a real political process has at least been given a chance again.

I think that the important thing is not necessarily the exact results but the fact that there was a pluralistic result, that a process has begun, and, finally, that the surrounding framework, the role of the international community, the self interest of the parties, and I think a desire for peace will all work in the direction of cooperation and against confrontation.

Senator LUGAR. You have mentioned that one of the basic tasks of the new government is to fashion central economic institutions, not only because this is vital for the resurrection of the economy of the country, but also for the international donors——

Ambassador KORNBLUM. Right.

Senator LUGAR [continuing.] Who are demanding, as a minimum, that there be safe passage or some passage across these partition lines and some flow of goods, services, and people.

What is your judgment as to how rapidly those who were elected in this election will grasp the necessity of having that flow? It would appear for the moment that the demarcation lines are fairly solid, not only in political and military terms, but economically likewise, and so long as this persists, the economic gains or confidence to invest in the country is likely to be absent.

What feel do you have of this on the ground? Do the players understand that? Are the problems still so insuperable in terms of partition that they find it difficult to let the inter-entity flow occur?

Ambassador KORNBLUM. Well, this, of course, is going to be one of the major tests. I would just note the following.

First, in their communique yesterday, the Presidency, the three Presidents, mentioned specifically the task of establishing the joint economic structures as the foundation for receiving economic assistance. In other words, I think our message has been heard, and it was I think quite important that they put that in their first communique.

Second, one of the major aspects of this structure will be a central bank, and because we knew that establishing such an institution could be difficult and, in fact, ridden with controversy—I can tell you from my own efforts to do the same thing within the Federation that it was very difficult—the first head of the central bank will not be a person from Bosnia. It will be someone who is an international personality.

The IMF is given the responsibility of naming the first head of the central bank. So there will be, if you will, international control over the process at the beginning.

Finally, and equally as important—and I would like to stress this—in addition to whatever economic structures are set up, the economies of both entities, of all parts of Bosnia, are really in pretty severe shape. As I mentioned before, we have an action plan which we will begin implementing as soon as we get it finished to help build modern, free market economies in these countries. Other persons and other institutions are doing the same.

It is going to be very important that the international community not only require work through the central structures but make clear to both sides in Bosnia-Herzegovina that their future lies in modern, free market economies.

I think the need is great. I have had now several long discussions with the leadership of Republika Srpska where they have described to me in great detail their needs, which are, in fact, great. So if there is any sense of self interest there, they will certainly be ready to work with the international community on these structures.

Senator LUGAR. Will the central bank be located in Sarajevo?

Ambassador KORNBLUM. It will be located in Sarajevo, yes.

Senator LUGAR. Will the United States make available this action plan to the council, the presidents? Who will be the beneficiary of our plan?

Ambassador KORNBLUM. The goal is to work with them, make available, but also to pursue it with both entities. The action plan is going to be focused in particular first on describing to them what we believe, what kinds of structures and institutions they need, and then helping to arrange both expertise from the United States but also from other places. We do not intend to be doing this all by ourselves.

But we have been doing a great deal of work—my own office, the Treasury, with AID—to come up with some recommendations and some actions on structures, as differentiated from economic reconstruction. This should not be an aid project; it should be an internal development project.

Senator LUGAR. So you and others will be actively involved in this effort?

Ambassador KORNBLUM. Yes. We have been doing it in our government on an inter-agency basis.

Senator LUGAR. Now on the resettlement of refugees, some press accounts have suggested that Germany, which has, apparently, as many as 300,000 refugees, may encourage their resettlement fairly soon in Bosnia. Perhaps other countries have similar plans.

What is likely to be the course of the refugee situation in the next few months?

Ambassador KORNBLUM. Well, there is a great discussion in Germany. They have over 300,000 refugees from Bosnia, plus they have about 120,000 or so refugees from Kosovo. And so, as you know, Germany has become a country of asylum for large numbers of nationalities. But they have borne the largest burden as far as Bosnian refugees. But we should not forget other countries, such as Austria, Switzerland, Sweden, and Norway. A number of countries have large numbers of refugees there.

So that is part of our action plan also. That must be one of our major considerations over the next months.

We will start, virtually immediately, not in exhorting people to do better but in helping to build up structures which make this possible. We have not finished our thinking yet, but I think we are going to try to set up some kind of central institution which helps pursue the question of resettlement. This is going to be very difficult.

As some others have commented, it is likely to be one of the longest running and perhaps last areas which is really fully satisfactorily dealt with. We are talking here, needless to say, about individual families who have to go back to individual homes in areas where the overall atmosphere at the moment is quite hostile to them.

And so, this is not going to be easy. But it is essential. I think one of the premises upon which the Dayton Agreement was built is that people will have the opportunity to go back to their homes; that neither Bosnia itself nor the international community will sanction ethnic cleansing.

So this is going to be something that we will spend a great deal of effort on in the months to come.

Senator LUGAR. But the U.S. State Department will, as a part of action planning for Bosnia, be offering suggestions—

Ambassador KORNBLUM. That's right.

Senator LUGAR [continuing.] And maybe even help in organizing a central facility.

Ambassador KORNBLUM. Yes, that's right. I do not want to risk details at the moment because we are still working on it. So, to say that we had a perfectly complete plan would be incorrect.

But we are focusing now not on, as I say, urging people to do better, but on finding mechanisms to make sure that this works. And the elections, I cannot stress too much, were the essential first step because that gives you political structures and a level of credibility in the structures so that you can then move to working with local officials to deal with the problems which make resettlement so difficult.

Senator LUGAR. Let me just ask one more thing.

Throughout the discussion of Bosnia in the last 2 months or so, including our hearing of September 10, the question remains about the follow-on to the IFOR force. Administration witnesses in the past have indicated that this is being studied and would be under consideration.

Obviously in the U.S. political campaign the contention has been made that there is an attempt simply to punt this question beyond our election date and then, at that point, to come forward with some type of plan. As a sort of middle ground, Secretary Perry has indicated that we are studying the issue and are making no commitment. But as you have noticed in the press this morning—and I would cite a "Wall Street Journal" story that I saw this morning—it suggests that, in fact, 7,000 ground forces of the U.S. First Infantry Division are packing their bags to go to Bosnia—according to the story. Essentially, it says that the official line is that the new troops are going simply to cover the withdrawal of the 15,000 strong U.S. force, but the First Infantry soldiers are being told by commanders that they may stay for up to 6 months. The "Wall Street Journal" author, Thomas Ricks, said that basically is the answer to the question the Clinton Administration has dodged for a year: what will the U.S. presence be, the next biggest military operation, and so forth?

What can you say about that? Essentially it would appear that these 7,000 troops are apparently going to be armed with a force that is comparable to the force and firepower that the 15,000 force has now and, as the story goes on to say, they will face an even more difficult task because of the refugee resettlement, the opening up of inter-entity flows, for commerce, and other activities which have not been vigorously pursued by IFOR.

Do you have any comment about this?

Ambassador KORNBLUM. Well, as far as the force, the deployments which you mentioned that appeared in the press this morning, that is something which I think the Defense Department will be commenting on when they are ready to do so. I do know about this covering force. This has been something that we obviously have been part of.

There are a number of things. I would note first Secretary Perry's comments, which you have already mentioned, in which he did

say that nobody can make any commitments at this time until the study is completed. But he said that the United States is prepared to consider participating if the NATO study shows their involvement is necessary and appropriate.

So we are participating fully with our NATO allies in considering what the ongoing security missions need to be.

As far as the current IFOR mission and the deployment of IFOR is concerned, I would note the following. First, because of the critical role of IFOR, General Joulwan has stated that IFOR will maintain its mission capability—in other words, will be able to do its job—right up until its last day. In other words, there is not going to be a lessening of its ability to do its job starting at some date in October or November.

Second, he has already, I think, made known—and I think this is what the force is that you are talking about—that in order to make sure that mission capability is maintained while major elements of the force are withdrawing, he is going to restructure the commands and he is going to have a force there which can both do the job but also help with the withdrawal. That is what he has planned.

For me to comment any further than that, of course, would be both inappropriate but also probably inaccurate since I am not a great expert on these kinds of things.

Senator LUGAR. Thank you very much, Mr. Secretary.

Senator Pell, do you have questions?

Senator PELL. Yes. Thank you very much, Mr. Chairman.

The OSCE postponed the municipal elections in Bosnia, as we know. There has been some disagreement as to whether the elections should go forward in the November 22–24 period or be postponed until next spring.

When do you expect the municipal elections to be held? What conditions are necessary to conduct them satisfactorily?

Ambassador KORNBLUM. I cannot tell you at the moment when they are going to be held because Ambassador Frowick is considering all the factors.

There are a number of arguments in each direction. Some people favor a speedy rescheduling of the elections in order to get the whole structure put in place, in order to utilize the talent and personnel who are on the ground, in order to maintain the commitment of the parties to the elections.

Other people argue that it would be better to allow a little breathing room, to allow the central structures to be set up first. The Dayton Agreement did not require the municipal elections to be held at the same time as the nationwide elections and, in fact, did not even require the OSCE to conduct them. So there is a discussion going on about that.

I think in the end you can argue it a number of ways, and I think the United States will base itself on the judgment of Ambassador Frowick and the OSCE as to whether the political factors and the technical factors—in other words, is it possible to put the elections together in such a short time—balance out. This will be a decision of the OSCE which we will support, whichever way it goes.

Senator PELL. Thank you.

Will there be any further efforts made to apprehend the indicted war criminals, and I suggest Karadzic and Mladic as examples?

Ambassador KORNBLUM. Well, as I said earlier, war criminals and the support of the Hague Tribunal remain one of our important goals. As part of our implementation, our action plan for implementation, we will, in fact, be working with the tribunal, with other countries, and with the parties themselves to make sure that there is an active effort to do so.

I cannot comment right now on all the steps that we intend to take, but we do intend to have a very active approach to this.

Senator PELL. Would you expect, say before the end of the year, that there will be some kind of process taking place?

Ambassador KORNBLUM. I would certainly expect that. Yes.

Senator PELL. Thank you very much. No further questions, Mr. Chairman.

Senator LUGAR. Thank you, Senator Pell.

Let me just ask what is going to happen in the Brcko area. How will that situation be arbitrated, and when?

Ambassador KORNBLUM. The arbitration is underway already. Mr. Roberts Owen, who was the former legal adviser of the State Department, who was a very integral part of Ambassador Holbrooke's negotiating team, has been appointed, if you will, nominated to be the neutral arbitrator. The panel, as is the normal case, consists of three arbitrators—one from the Bosnian side, one from the Serbian side, and then a neutral person. Roberts Owen is the neutral arbitrator. He is the person who conducts the arbitration and who, in the end, of course, has the decisionmaking power if the two sides cannot agree.

He has been meeting with the parties. He had, in fact, a meeting in Vienna last week, and I will be seeing him in Europe this week for further discussions with the parties. He is required by the Dayton Agreement to publish his decision before December 14. But his intention is to publish it a lot far in advance of that to make sure that the decision can be implemented as part of our implementation package.

I talk with him a lot on it and have been, in fact, following his process. He is an independent arbitrator. His decisions will arise out of both his investigation of the region and his discussions with the parties. So I cannot comment on what he has in mind. But I can tell you that he is pursuing it very actively, and since he is an American, the United States is supporting him very much with staff support and things like that to make sure the process works.

Senator LUGAR. What is our view on what should happen to the arms that are in the cantonments are as? Are they to be destroyed? Who will be responsible for keeping them where they are?

Ambassador KORNBLUM. Well, the Dayton Agreement does not require that arms which are in cantonments be destroyed.

IFOR has destroyed some, if you will, as a demonstration that it will not accept obfuscation, hiding, or violation. But it does not require that the arms be destroyed.

Second, the cantonment aspect of the Dayton Agreement is in Annex 1(B), is a so-called confidence building measure. Now that was done that way very specifically. If it had been in Annex 1(A), under the IFOR provisions, then it would have been something

that would have been enforced as long as there was an IFOR or a follow-up force. Then there would not have been anybody there to enforce it.

So we put it specifically under so-called "confidence building measures," which means that the two sides have agreed to enforce these things, if you will, in perpetuity. IFOR took on the task of monitoring them as part of the IFOR commander's ability or authorization to do additional tasks, and it was very important that he did so.

I think we all agree that in 1997 and probably beyond monitoring of these cantonments will be necessary. It certainly will be one of the things on the list of the NATO study.

But even if there is not a military force there in the future, I can tell you that, certainly for the United States, we will expect that the parties agree to some sort of monitoring. Whether it be international civilian monitors, whether it be the OSCE, which has the overall arms control responsibility, I cannot comment on. But monitoring will, in fact, be important.

Senator LUGAR. But in the event that the parties should want to commence hostilities again, presumably they will go after these weapons in order to repossess them.

Ambassador KORNBLUM. There is no doubt about that. But, of course, the whole structure is designed to both rob them of the ability to restart hostilities and to make the sanctions against them, the negative fall-out against them, of taking the weapons out of cantonment to be very high.

The cantonment areas are not sites with high barbed wire fences around them which are impossible. It is possible to take weapons out. But they are monitored and, as I said, they are part of the underlying commitment of the parties to move forward. Any breaking of this commitment we certainly would see as a serious and almost dramatic step which would call into question the whole rest of the agreement.

Senator LUGAR. As the administration has often pointed out, under the Dayton Accord, the Bosnia Muslim force were to receive training by an independent entity outside of IFOR, and apparently that training is underway with some progress being made in that training.

Some observers have questioned what will happen in the Brcko area or other points if forces that have been trained by an independent entity, albeit it one supported and sponsored by the United States, comes into contact with United States forces that are attempting to keep the peace in that area. Have we thought through the implications of this training, the disputed situations, and the fact that contests of that sort might occur in the future?

Ambassador KORNBLUM. Well, that, of course, is a bigger question which relates to the use of the military forces by the sides.

Under the Dayton Agreement, each side maintains its military forces. And, of course, the forces which are near Brcko right now are forces of the Republika Srpska.

Second, I would note that all of the arrangements we have just talked about, the cantonments, also the arms control agreement which has been signed, are designed in their entirety to reduce the offensive capability down to levels which are considered acceptable.

The American Train and Equip Program is a program which we have helped organize. Many countries have contributed to it. It is actually not part of the Dayton Agreement. It is one which has been organized in parallel to Dayton. But it is totally in accord with both the Dayton Agreement, but, equally importantly for this program, with the Washington and Dayton Agreements which establish the Federation.

As we have moved forward with this program, we have done it in a way which makes sure that it is not used, if you will, to build renegade forces or to build offensive capabilities, which could lead to the types of things you mentioned. In particular, we refused to begin the program until the two sides had agreed—that is now the Muslims and Croats—had agreed on a joint defense law, which unified the Bosniak and Croat forces.

We all know that, in addition to the war between the Bosniaks and the Serbs, there was heavy and bitter fighting between the Bosniak and Croat sides. One of the purposes of the Federation and one of the purposes of this defense law was to unify these forces into a single command structure.

It was very difficult. It took us months, and months, and months to overcome all of the mistrust and the enmity which had grown out of the fighting. But we were able to succeed at that, and this Train and Equip Program is helping to weld that together.

So I think it is very accurate to say that the Train and Equip Program is, in fact, fit in to the peace structure. It is not designed to build forces which can do negative, renegade tasks. But, in fact, it is built into the peace structure to give the Federation side the means to defend itself against the still superior forces of Republika Srpska if such an eventually came about; but at the same time to use the building of the forces also as a unifying element inside the Federation.

So far we have had success with it. It is also going to be a long-term program and I cannot predict exactly all the success or problems it is going to have. But it started out in a hopeful way. I think that we have, in fact, designed it in a way which helps support the peace structure.

Senator LUGAR. Thank you very much, Secretary Kornblum.

Ambassador KORNBLUM. My pleasure.

Senator LUGAR. We appreciate your return to the committee and your testimony which I think is very helpful to the committee and to the American people through these hearings.

We look forward to visiting with you again as things progress.

Ambassador KORNBLUM. My pleasure. Thank you, Mr. Chairman.

Senator LUGAR. The chair would like to call now the Hon. Richard Holbrooke to the witness table.

As I pointed out before, Mr. Holbrooke was formerly Assistant Secretary of State for European and Canadian Affairs, and, of course, was architect of the Dayton Accords.

Secretary Holbrooke, it is great to have you this morning. We appreciate very much your coming.

STATEMENT OF HON. RICHARD HOLBROOKE, VICE CHAIRMAN, FIRST BOSTON CORP., NEW YORK, NY, AND FORMER ASSISTANT SECRETARY OF STATE FOR EUROPEAN AND CANADIAN AFFAIRS

Ambassador HOLBROOKE. It is my honor, Mr. Chairman. I have nothing to add to John Kornblum's opening statement because I agree with all of it. We have worked very closely together. We were together in Bosnia during the elections, and he has my full support.

I just want to comment on the whole process that we have lived through from a more generic point of view.

It seems to me that at every step in the last year we have made about half the progress that we wanted to make, and the progress has been steady. The glass is half full and half empty. Skeptics have predicted failure at each step. Each step has fallen short of our goals but has been a step forward. We knew that a year ago. The goals that we set during the shuttle and at Dayton were very ambitious.

The critics of the policy, the skeptics in the elections point out the defects. I concede most of these defects, although I agree with Ambassador Kornblum that the 104 percent figure is unsubstantiated, although there certainly was voter fraud. That is not unknown in the United States, as we all know.

But the real fact is that a year ago today, the war was raging in Bosnia. The siege of Sarajevo had just been lifted, but the rest of the war was going on. And the people who waged that war met yesterday in Sarajevo to talk about building the central institutions called for under Dayton, and they met as the new co-presidents of a three person Presidency created at Dayton. Next Monday they will take the same oath of office to the same country.

These people still believe at some level in separatism based on ethnicity, which is almost physically impossible in that country unless you go through ethnic "cleansing" or even further dislocation. And we oppose that. It is immoral, it is impractical. The economy of the former Yugoslavia cannot be disaggregated and separated on ethnic grounds.

And so, the United States administration, led by Ambassador Kornblum and others, has persevered.

I would just point out that, while what has happened on the ground falls far short of people's dreams, it is a remarkable set of steps forward over where we were a year ago, including yesterday's meeting.

I remember after Dayton no one thought that we could separate the forces without any blood being shed. But it was done.

I remember people saying before the vote that you could not hold the vote without violence. But it was done.

I remember people saying as recently as 10 days ago that you'll never get Krajisnik down into Sarajevo, but he came down there. It was on international television and he is coming back again Monday for an oath of office.

These people do not like each other. But they are ready to try to work together provided the outside world, led by the United States, continues to provide leadership. And I am pleased to say that the administration intends to do that.

Thank you very much.

Senator LUGAR. Thank you.

Secretary Holbrooke, you made a comment that the economy of the former Yugoslavia cannot be disaggregated and work successfully.

Ambassador HOLBROOKE. Excuse me, Mr. Chairman. I meant that it cannot be disaggregated on ethnic grounds.

Senator LUGAR. Clearly, there are many Bosnian Serbs who would like to be joined to a Yugoslavia, and there are many Bosnian Croats who have expressed their desire to be integrated into Croatia. There are abundant rumors all the time of leadership parleys calling for some type of plan for accomplishing just that, by separating these groups out as Serbs and Croats and leaving a Moslem group remaining in some fashion in Bosnia.

This may be economically disastrous, but, nevertheless, emotionally and nationalistically satisfying to many people. And you are quite correct that skeptics of the current process would say, despite all of the motions that we are going through and the remarkable progress that is being made, that this is what lies at the end of the trail. Some may say that realpolitik would dictate that rather than trying to put together people who hate each other, that we should expedite this separation in ways which are more peaceful because that is where the majority of people, now having "cleansed" these areas, want to arrive.

What is your comment, because you have thought through this a great deal in the negotiations you have had with the parties and obviously have come to a conclusion that that is not a very good idea?

Ambassador HOLBROOKE. I have thought a lot about this, and I want to clarify, to square the circle between your observation and my comment.

Some Bosnian-Croats clearly would like to leave Bosnia-Herzegovina and join Croatia, and the SDS party in the Serb part of Bosnia clearly want it to either become independent or merge with Serbia, or, as Serbia calls itself with Montenegro, the Federal Republic of Yugoslavia.

That is a reference to the political arrangements.

On the economic side, I know of nobody who understands the region who thinks you can disaggregate the economy on ethnic grounds. The issue, therefore, is this. There are people—and I think Milosevic held this view for a long time because he was a banker and a businessman and he understood that the economy was integrated and could not be separated—he wanted a political rearrangement and a continued economic union. It just would not work given the way they approached it, which was aggression and ethnic cleansing.

The Dayton Agreements marked a real defeat for the Serb goals. I think as Ambassador Kornblum already said, the greatest tensions in the region today are perhaps between Croat and Bosniaks, or Croat and Bosnian Moslems.

This is because the Croatians have the seacoast. Because they are closer to Italy, Austria, Hungary, and Western Europe, they may think they can make more of a go of it economically without the rest of former Yugoslavia.

Slovenia has been tempted by that model. But, in fact, the entire infrastructure of the region—and by this I include the former Yugoslav Republic of Macedonia and Slovenia—was an integrated economic infrastructure starting under the Austro-Hungarian Empire and the Ottomans.

One of the major things that Milosevic raised with me 2 weeks ago in Belgrade, and again with John Kornblum, and that I hope will be settled in Paris next week, for example, was the reopening of the railroad between Serbia and Bosnia. These things have to be done. The railroad is blocked because the tunnel near Zvornik is heavily mined. That has got to be cleared up. Dick Sklar was sent by the President to work on issues like this.

I want to stress that, while it is absolutely true that many people still want political separatism and we are opposing that, my view remains that it is economic integration that gives us the best chance of success.

May I give you one quick example?

When I was at Brcko 2 weeks ago on the demarcation line, on the very spot where the fighting has been the most intense and with the greatest amount of bloodshed over the last 4 years, with the Presidential Observer Team, including one of your colleagues from the House, Steny Hoyer of Maryland, we were told about a market which opened right on the demarcation line with Moslems, Croats, and Serbs trading freely and continually.

This is not as remarkable as it sounds. This is the reaffirmation of long-standing, existing ties. The three mayors of Brcko met with us, and in the middle of our meeting, when photographs were being taken and everyone was shaking each other's hands, the Moslem and the Serb, who had been fighting each other for 4 years, turned to us and said: you know, we went to school together and we worked together in the same factory.

This is a very peculiar situation. But it is not without the possibility of creating a fragile, but permanent, peace built on economic cooperation.

Senator LUGAR. That is an encouraging format, and you may be correct that the economic cooperation would seem sufficiently self-evident to the parties that they would work to make this so.

To what extent do the various countries, including the United States, who are anticipating making investments or putting some funds into the country, see a scenario in which the railroads get opened most of the roads are usable; that there is a potential free flow of goods, services, and people in the country which clearly would be required for integration to become possible?

Ambassador HOLBROOKE. It is a huge problem, Mr. Chairman. By the way, there are people who do not understand this economic issue the way you and I have just discussed it, and I would put at the top of the list the mountain men of Pale. The men of Pale and a few women, like Mrs. Blausic, but mainly the mountain men of Pale are hard, tough, remote people. They have never worked in these areas. They have no background in it.

I do not want to stand here and appear to be defending the urban Serbs of Belgrade because the war started with decisions taken in Belgrade by Milosevic. But the fact is they understand their economic interests.

One of the most important things that must be done—and John Kornblum is working hard on this—is to have the capital move from Pale, the symbol of war, to Banja Luka, which, as you know and Senator Pell I'm sure knows because of his long experience in the region, forms a natural economic unit between Zagreb, Sarajevo, and Belgrade.

Back to your question. If a businessman asks whether an investment is risky, too risky, in the region now, and it really depends on the project and the area, the initial efforts must be led by the international financial community. Jim Wolfensohn and the World Bank have tried very hard. Ambassador Kornblum mentioned earlier that the head of the central bank will be a European. We negotiated that at Dayton. It's a very key part of the agreement.

I will tell you, frankly, that I think the economic reconstruction effort is lagging behind. People are being very stingy. I can understand their reluctance to throw good money after bad. But there is going to have to be a moment where people take some greater risks, and I think the time is rapidly approaching for that.

The airport has now reopened at Sarajevo and if the railroads reopen and the roads reopen, we can move forward.

One last point. Former Yugoslavia is not Cambodia. I use the comparison deliberately. This was a modernizing economy, as all of you know, with all the infrastructure, including the human infrastructure, to be just as much a part of the post-cold war Western Europe as Slovenia is becoming, and they were part of former Yugoslavia, as the Czech Republic, and as other parts of the region. They could have done it. Those people all know each other.

The interesting thing to me is that, even in the midst of war, when I would travel between Sarajevo and Belgrade, they would say oh, you're going to Belgrade, say hello to so-and-so; he was my professor, or I worked with him on the bridges.

At the Davos Conference last year, these men, who are now on opposing sides, suddenly got up and said oh, we built bridges together, and how's your son, and how's my godchild, and here's a gift. And yet, they went on killing each other.

If the rebuilding takes place before that generation disappears, there will be more chance. This war was started by kind of the worst of the worst elements in each society. There are loads of people ready to reach out, but they need leadership.

The tragedy is that we had no choice but to make the peace with the people who made the war. We didn't have the option that we had in Europe and Japan in 1945 of sweeping away the Nazis. We couldn't do it because of the nature of the ceasefire and Dayton.

Senator LUGAR. This leads to a question Senator Pell has raised before and one that is still important, and that is these people with whom we made the peace some would claim are war criminals. And as a result of that and the lack of movement toward justice, there are many who would say that without these war criminals coming to trial, one of the lessons of the Bosnia conflict will be that aggression pays and atrocities go without punishment. In essence, it is a question of a lot of problems trying to be solved simultaneously, but this issue of war crimes remains a very large problem.

What is likely to be the evolution of how these things occur? Secretary Kornblum, in response to Senator Pell, felt that some activ-

ity in this area, sort of undefined, might occur even during this calendar year. But the question still remains: by whom? I think again and again we have been down the trail that this is not IFOR's job, that Americans will suffer casualties if they went after war criminals, apprehended them, and took them to the Hague, that somebody would suffer casualties if not Americans in the IFOR force, and that the local police do not build confidence that these people will be apprehended.

Where do you see this heading?

Ambassador HOLBROOKE. No issue is more difficult to discuss, particularly in open session. But let me be clear, first, on what Dayton says.

Dayton gives the IFOR commander the authority but not the obligation to arrest indicted war criminals, and under international law, that is reaffirmed.

Because of what happened in Somalia and because of other constraints and priorities, IFOR has been ambivalent to reluctant about an active implementation of this particular responsibility, which I stress is not an obligation but something they have the authority to do.

Will that change over time? Both John Kornblum and I have had extensive talks with Admiral Lopez, General Joulwan, and others about this, and I think we would both be prepared to continue the discussion in another forum. In this forum, let me merely say that IFOR has done the job it was assigned and done it very well, and we are all aware of the importance of this issue.

I believe that the removal of some of these indicted war criminals to the Hague would have a very positive effect on the situation, and I hope it will happen.

I would also point out that the President asked me to return to Bosnia on July 17 and 18 precisely to deal with this point—and this goes back to my opening remarks—and I came back with what I would call a typical half a loaf. We got Karadzic to sign a statement after a 10 hour negotiating session that went on all night on July 18 that he would give up the Presidency of Republika Srpska and the Presidency of the party and remove himself from public life. But he did not agree to my further demand that he go to the Hague. And because we could not enforce it with military force, it did not happen yet.

But, again, everyone said it would not be implemented, and yet it has happened. Karadzic has largely disappeared from the scene.

Senator LUGAR. So the question, in terms of IFOR mission, comes down to decisions that are made as a matter of political will by this country and our NATO allies. In other words, in the event that the military commanders have been given instructions by the President of the United States and relevant authorities in France, Britain, and Germany, we might have had a different scenario?

Ambassador HOLBROOKE. I would not dispute that interpretation.

Senator LUGAR. Senator Pell, do you have questions?

Senator PELL. Thank you very much.

As one of those who think back to World War II and the horrible things the Ustaze and the Chetniks did to each other, I am wondering how deeply ingrained you thought these hatreds were.

Ambassador HOLBROOKE. Well, first of all, I think it is very revealing that they have resurrected these names for each other. Nothing tells you more about the kind of people who are leading these movements that they deliberately chose to use the single, most provocative terminology for each other and then refer to the Moslems as "Turki," Turks, which at best is a 600 year old story.

So I think your reference, Senator, to the period between 1941 and 1945 is appropriate.

Again, I believe that the dislike between the ethnic groups is real, but there was no reason it needed to burst out into this kind of war. The war was far more than revenge for what happened between the Ustaze and the Chetniks in the forties. It was a plain, old war, led by political opportunists and extreme nationalists in varying combinations. It could have been avoided. It should have been avoided. It would not have been difficult to prevent this war. The issues were real, but there were other ways to settle them.

There is a great deal more intermarriage now than there was 55 years ago, and not everyone in the country is seeking revenge for real and imagined ancient events.

Now let me be clear on what happened in 1991 and 1992 because I consider it the most important lesson we can learn from the end of the Cold War.

In the immediate aftermath of Desert Storm, when the administration was understandably proud of its achievements—it had handled Desert Storm well, it had helped Germany unify in dramatically rapid fashion—Yugoslavia fell apart. The European Union, or European Community, as it was then called, came to the United States and said this is a European problem, we'll handle it, and the United States said OK. At that point, both sides made an irretrievable miscalculation.

The Europeans should have learned the hard way that they could not do it without American involvement and the United States has learned the hard way that we have a continued interest in stability and security in Europe.

At that exact moment, when we made this mistake, 1991–92, the Ustaze-Chetnik issue you referred to exploded. I remain convinced that, had the United States and the Europeans worked together through NATO, instead of separating their efforts and letting the EEC handle it, then the conflict between the groups would have been settled peacefully. It was not that hard to avoid.

Secretary Baker visited Belgrade on June 21, 1991. He had 11 meetings that day, and in his own memoirs, he describes his final message to President Bush at the end of the day. He said that these people have got to realize how serious it is and there's no more we can do.

Two days later the war began, the first of the three wars. They were waiting to see if NATO would step in.

David Gompert has now written a very powerful essay in the Council on Foreign Relations book outlining the fact that NATO, not the U.N. or the EC should have been involved. That was why this Chetnik-Ustaze issue exploded. Otherwise, it would have been left to a few fringe extremists, as we have all through the former Eastern Europe and the former Soviet Union.

We should have been in there.

Now the question is, and this goes to the Chairman's question, can we change the tempo now? I would submit, Mr. Chairman, that recent events, where we continually do about 50 percent of what we are trying to do, suggest that if we persevere—and here I am particularly grateful for your continued support—we can make slow progress to undo this mistake.

Senator PELL. Thank you very much.

Sometimes it is possible to see groupings of warring factions around a popular individual. Is there any possibility that Alexander might come back, who is not an extremist and who has a following, and who might be acceptable not only to the Karadjordjevs, which he represents, but the Obrenovics?

Ambassador HOLBROOKE. I have not, frankly, seen much enthusiasm for that solution; Senator.

Senator PELL. I see. The people who achieved peace in that area before, it was usually from the outside, was it not?

Ambassador HOLBROOKE. Yes.

Senator PELL. You had the Turks and the Hungarian Empire.

Ambassador HOLBROOKE. The Ottomans, and Tito was an over-arching force.

I think that it is clearly one of the lessons of the region that the people of the region will accept external pressure, uniformly applied, to prevent themselves from going at each other's throats.

Senator PELL. That's why sometimes it is not a bad idea to have not only a political party name but some people as symbols, like Alexander would have been.

Ambassador HOLBROOKE. I quite understand that, Senator Pell, and you and I may or may not agree on this, but I believe—this is a very arcane point—but I believe that the original decision at Versailles to create a single kingdom of the South Slavs was a mistake. I think we are sitting here today, talking about something that Woodrow Wilson in the name of self-determination did, which was not real self-determination. To put Slovenes, Croats, Montenegrans, Bosnians and Serbs into a single country may have made sense to them 80 years ago. But it does not strike me as the correct solution.

There should have been some other approach.

Senator PELL. Do you think we can realistically expect our European allies to share more of the burden in the follow-on force that will be needed?

Ambassador HOLBROOKE. Are you talking about military or economic?

Senator PELL. I'm talking about military.

Ambassador HOLBROOKE. Well, Ambassador Kornblum addressed part of this. Let me give you the second half of that because he didn't get to that point.

Every single NATO country has said they will only stay if there is also an American component. So if the decision to stay—and they have all said this publicly—if there is a decision to leave another force behind, IFOR will clearly complete its mission on schedule. That's clear, as John Kornblum just said.

But if there is another force, the Europeans have said they think the Americans should be there.

Both John Kornblum and I have said that you cannot go from 60,000 to zero without an implosion. It does not make sense. So some kind of follow-on international security presence involving an enhanced police—you mentioned the IPTF in your opening statement, Senator Lugar and I'm glad you did because that was the weakest annex at Dayton. It was a mess and it now has to be corrected.

The Europeans did not want to give any authority to the police task force. The Congress, we were then in a budgetary crisis here and we could not unlock the money. We have to rebuild this and construct an international security presence, and in that presence, Senator Pell, the Europeans will play the numerically larger role overwhelmingly. But they have said they want an American, they want Americans by their side.

On the economic side, I am more troubled. I believe that the United States should be trying to do a little more to show leadership here.

Senator PELL. Thank you very much. I admire your talents and wish they were being used more. I wish that you would return from Wall Street to the Capital before too long.

Ambassador HOLBROOKE. Thank you. It has been an honor to testify before you over the last 19 years.

Senator PELL. For me it's 36.

Senator LUGAR. We are pleased to have this hearing so that Senator Pell has still one more hearing with us.

Ambassador HOLBROOKE. I first testified before Senator Pell and you in about 1977–1978, if I remember correctly.

Senator LUGAR. Yes, true.

Let me ask a couple of questions while Senator Robb, who has joined us, is warming up, and then I will defer to my colleague from Virginia.

With respect to the international police force, as a practical matter, how should we go about this? The NATO force is there to get land order squared away with a group competent to deal with this. You have touched upon that and I would like to follow up to see what kind of action steps are reasonable to anticipate.

Ambassador HOLBROOKE. On the police, sir?

Senator LUGAR. Yes.

Ambassador HOLBROOKE. Let me ask my colleague, Tom Wolfson, of the Legislative Affairs Bureau of the State Department about the Dublin Conference for a minute because I am not briefed on it.

In fact, could he answer?

Senator LUGAR. Of course. Perhaps you could come to the table and identify yourself.

Ambassador HOLBROOKE. Tom, why don't you just explain what happened in Dublin.

Mr. WOLFSON. I know very little about this, Senator, actually. It was meant to be an international donors pledging conference for strengthening the IPTF. I am not aware that this addressed the question of the mandate, which is another, more important, issue, of course. I understand in brief outline that that conference did not produce much in the way of pledges. Our folks had some details to

announce and I guess everybody else did, too, but I'm sorry, I don't know really anything more.

Ambassador HOLBROOKE. There are two issues, Senator. One is mandate and one is funding.

I can address the mandate issue. I will leave the funding to the State Department.

The Europeans, as I said a moment ago, just did not want to give the police law enforcement authority. This is a long, arcane, Euro-theological issue. It has something to do with Ireland, it has something to do with the history of Mostar, and it has nothing to do with the needs of Bosnia.

For our part, the United States also did not push hard enough on this. We put the operation under the United Nations, which I think in retrospect may not have been the right decision. A very fine police commissioner from Ireland, named Fitzgerald, took over and he is doing a superb job. His deputy is an American, who, by coincidence, is the former police chief from Dayton, Ohio. They were slow to get manned and they have been under strength part of the time. There have been a lot of troubles with them.

And yet, we all recognize that they are the weak link in the Bosnia food chain and they have to be beefed up. The more they are beefed up, the less pressure there will be on any successor presence to IFOR on the military side. So I would strongly recommend to your committee that you talk to Assistant Secretary Gelbard and to other people to encourage them to press in this direction. And if there is an additional resource requirement, let me state for the record that it will be worth every penny of it to strengthen the police.

Senator LUGAR. So as you suggest, there are two parts: mandate—first of all, the political will to proceed—and second is the budget to do this job, to which the United States would have to be a contributor. And on both counts, apparently, we are not moving with very great speed.

Ambassador HOLBROOKE. I would defer to Bob Gelbard on the details. But in fundamental terms that was a weak annex at Dayton, it was a mistake, it was our fault, and it needs to be corrected.

Senator LUGAR. Now on the training issue on which the independent entity is working with the federation forces, how much training is occurring? How many people are involved in that? What is our responsibility? By this I mean anyone in the United States. Leaving aside IFOR or the chain of command of NATO, who is doing this?

Ambassador HOLBROOKE. The Equip and Train?

Senator LUGAR. Yes. Who is responsible for it?

Ambassador HOLBROOKE. On all the operational details, I would respectfully defer to Jim Pardew and to John Kornblum. Pardew was a core member of the negotiating team on the shuttle and at Dayton. He was loaned by Secretary Perry to Secretary Christopher to work on this issue. He is in motion all the time and I am not up to date on the latest.

In general terms, the Bosnian Government signed a contract with MPRI, an Arlington, Virginia based consulting firm which does this sort of thing and which is already advising the Croatian Government. This was an open bid, however, as I understand. It

was not a set-up because that would violate bidding procedures. They are licensed by the United States to do this sort of thing and they are headed by several very solid former American generals, four star generals. I guess there is no such thing as a former general. But these are four stars, like General Saint, Carl Vuono, the former Army Chief of Staff, and others. They really know what they are doing. That is on the training side.

On the equipment side, Jim Pardew, assisted on occasion by people like Mr. McClarty from the White House and others, have been trying to raise funds. I cannot give you a dollar figure right now on how they have done. But I think that Tom could supply that for the record, if you wish.

Senator LUGAR. Are they raising funds in this country, with other countries?

Ambassador HOLBROOKE. Other countries, to supplement the amount of funds that were authorized by the Congress.

Senator LUGAR. And then the federation make their choices of weapons systems given whatever budget is being provided by this fund-raising effort?

Ambassador HOLBROOKE. Yes, sir, but also within the limits of Annex 1(B) of the Dayton Agreement, which was an arms control annex, widely misunderstood, designed to create careful ratios of weapons.

You mentioned earlier the cantonment issue. I want to be clear on that. The military, again, does not have the obligation to destroy the weapons, but it has the authority to do so. I personally hope they do so.

The war is unlikely to resume. It is very unlikely to resume. But it is not inconceivable that it will, and these issues are the key ones to make sure it does not happen.

Senator LUGAR. IFOR has the possibility of destruction of weapons, not the mandate, to go through all of them.

Ambassador HOLBROOKE. We wrote in Annex 1(A) of the Dayton Agreements what the military call the "silver bullet" clause, in tribute to the Lone Ranger, which said, essentially, that the commander of IFOR can do anything he wishes to carry out his mission. So in the end, if he wants to go out to a cantonment and blow it up, he has the authority to do so. He is not obligated to do so.

This is a very important point to our NATO planners because on the difference between an obligation and authority is determined the force structure of the unit.

Senator LUGAR. But as an editorial comment, you suggested that it would be a good idea to destroy those weapons.

Ambassador HOLBROOKE. I would love it. I have always favored the destruction of the weapons. I was probably the strongest advocate of the whole cantonment concept. It may actually have been my idea. Had I personally been able to write the NATO rules of engagement, I would have made the cantonments an obligation and the destruction after that a sequenced event. It simply was not possible to get there given the state of what NATO was able to undertake within the constraints of the force structure. But it would be very good.

I drove by one of these cantonments the other day. There were a lot of weapons there in the Serb area. They ought to be destroyed.

Senator LUGAR. I agree with you. I think that any prudent person looking at several hundred cantonments filled with weapons that someone could use again would dictate a very strong movement toward destruction.

Ambassador HOLBROOKE. You understand that the NATO concern is that if you start to destroy them, you risk a military engagement with the Serbs.

Senator LUGAR. With the people who do not want them destroyed.

Ambassador HOLBROOKE. Sure. I want to be fair to the other side on this. That is the reason the issue is so tricky and relates to the size of the force structure. The military may say well, if you want us to do that, instead of 60,000 troops in IFOR we should have 300,000 or 400,000, and that is out of the question. It is for this reason that we went through this elaborate gradation between obligations, which meant separating the forces, and authority, which meant the right to arrest a war criminal or to have a cantonment area.

Senator LUGAR. Of course, the same argument is made with regard to going after war criminals.

Ambassador HOLBROOKE. Exactly the same.

Senator LUGAR. That you need a bigger force.

Ambassador HOLBROOKE. And there is the other huge issue you and Senator Pell referred to earlier, the right of refugees to return—

Senator LUGAR. Yes.

Ambassador HOLBROOKE [continuing.] Which the military could not undertake as a mission because there is no way they could do it. We're talking about 2 to 2.5 million people, and not all of them Moslems, either. Each ethnic group has significant numbers of dislocated people.

Senator LUGAR. Senator Robb, do you have questions for Secretary Holbrooke?

Senator ROBB. Thank you, Mr. Chairman. I had hoped to get over here a few minutes earlier. In any event, I wanted to come by and show the flag, and personally thank Ambassador Holbrooke for his continued and direct involvement in an issue with which he will be permanently identified.

He was kind enough to extend to several of us an invitation and encouragement to join him in his most recent visit to observe the election process. Regrettably, I know that the ranking member and I had both hoped to be able to go, but unresolved differences on the floor of the Senate precluded that at the last minute. So we regret not having been able to accompany you on this most recent mission.

Let me just address a couple of clean-up items, if I may. On one I think the chairman, I believe the ranking member, I, and several others were privileged to have a visit from the Foreign Minister of Yugoslavia yesterday, discussing some of the progress and/or lack of progress in things that were of particular interest to his government.

I wonder if you could characterize the degree of Serb cooperation in things like the various, well, starting with the elections, I guess, which you observed when you were over there, war crimes that you have alluded to, the attempt to avoid the partitioning, the continued progress on the various goals that you have alluded to. If you were to characterize the degree of cooperation that the process is receiving from the Serb Government at this point, how would you characterize it?

Ambassador HOLBROOKE. By Serb Government I take you to mean the government represented by Minister Milotinovic, whom you saw yesterday, and not the Bosnian Serbs.

Senator ROBB. I'm sorry. Yes.

Ambassador HOLBROOKE. He is actually—this gets, again, into the arcane issue of recognition—he is actually the Foreign Minister of the Federal Republic of Yugoslavia, which is Serbia and Montenegro. I know it's confusing. I know you understand it, but it is confusing for the average observer.

Let me say this. By and large, when Belgrade has agreed in writing to do something, they have done it. And Pale, the Bosnian Serbs, have tried to resist all the way.

Senator ROBB. A distinction with which the foreign minister would not disagree.

Ambassador HOLBROOKE. Yes. But then there are two theories about why it is happening, Senator Robb. One theory is that it is all a big act and that all the Serbs will work this out, the good Serbs of Belgrade—the new good Serbs of Belgrade—and the bad Serbs of Pale. The other theory is that they really did have a fundamental break because of sanctions policy, and I would footnote that sanctions worked.

Watching the Serbs of Pale and the Serbs of Belgrade interact, as I have on many occasions, is very, very hard to understand because they will sit in a room together sometimes and agree on something, and they'll sit in a room together sometimes and yell at each other in front of you, and then, behind each other's backs, they are quite vitriolic toward each other.

Krajisnik won the Serb part of this election with 600,000 votes. Milosevic backed Ivanic, who got 310,000 votes, including some Moslem votes.

Now whenever Krajisnik does not fulfill the commitments of Dayton, we go, correctly, to Belgrade and say make him do it. And yet, the vote was a clear repudiation of Milosevic by the Bosnian Serbs. They think Milosevic betrayed them.

This sounds complicated and confused to the outside world, but it makes perfect sense to the people in the former Yugoslavia. They all understand the game very well, and they knew what they were doing in that vote. I'm sorry that you were not with us because you would have seen, as Steny Hoyer and I did, in the Serb areas around Banja Luka people knew exactly what they were voting for. They were voting against Milosevic, those Serbs. They felt betrayed.

I am glad you saw the foreign minister. I think it is important for him to hear from the Congress. I suspect this was his first trip here in this capacity.

Let me go to the larger part of your question. What was this election about? It elected three presidents of a co-Presidency. Was that the beginning of the creation of the central institutions of Bosnia-Herzegovina, a Council of Ministers, a Foreign Minister, a Finance Minister, Foreign Trade Minister, and so on? Or was that an election of three Presidents of embryonic mini-states that want to dismember each other?

That will depend on external leadership. Milosevic has pledged in writing that it is one country. He is ready to recognize it as such. And yet, many Serbs still do not quite believe it.

This is why the United States must keep engaged with political, diplomatic, and economic pressure. Military pressure is not necessary right now. Our mere presence speaks for itself. But on the political side, we must persevere.

That is why I am very glad that John Kornblum is leaving today or tomorrow for the region, to attend the inauguration of the Presidents. Yesterday's meeting, while not a perfect event, was certainly a remarkable one. To see Krajisnik, Zubak, and Izetbegovic together in a room for 4 hours, talking about the future, I can't say that was a bad event.

But the jury is out, still, on where we are headed. That is why it is so important that you saw Milotinovic yesterday.

Senator ROBB. Before our meeting that you referred to that took place yesterday was a private meeting, essentially without much of a public component other than getting together, as I understand it.

Ambassador HOLBROOKE. That's right. The public meeting will take place Monday. I think it is absolutely critical that they take the same oath of office from a real building in downtown Sarajevo and not a motel on the edge of town, which is where they met yesterday. But I don't find a preliminary meeting prior to inauguration unusual. We do that in our country, too, under much more routine circumstances.

Senator ROBB. Usually with an FOI request following it, but I won't go into that aspect of it. [General laughter]

Is it your sense, however, that substantive matters can and will be addressed in the near-term, or will the simple completion of meetings that are held and the process of the oath of office, the meeting place, and what have you suffice in the near-term for the kind of progress that you would expect?

Ambassador HOLBROOKE. I asked John Kornblum that question earlier this morning as we were preparing for the testimony. John is much more aware of yesterday's events in detail than I am.

He says that they are talking substance and that he will push them further. But, again, all three of you, Senators, have asked questions which always lead back to the same point, these things will only happen if they are pushed by external forces led—led—by the United States. The substantive agenda is clear, Senator. Dayton calls for central institutions—foreign policy, central bank, finance, foreign trade, customs. Other issues are given to the entities, much like we have some powers reserved for Washington and some for the States. Education, Interior, police are down at the entity level. Unfortunately, defense is at the entity level, which is the biggest contradiction within the agreements. But that's the way it happened.

The next step is to get those institutions done. Ambassador Kornblum and Carl Bildt, the European High Representative, have set October 30 as the goal date for these events. Again, the skeptics are going to say it can't be done. But let's see if it can or not.

Senator ROBB. Let me ask you, then, the ultimate question, to paraphrase one of the prognosticators and pundits in this area. As you and everyone else are very much aware, we are in the midst of a political season here in the United States with some difficulties in conducting foreign policy and making statements that relate to foreign policy and/or troop commitments, post-IFOR, et cetera. Using the most extreme of the various scenarios that are being posited for policy makers about which administration witnesses are frequently interrogated, in the event that the United States should complete its mission on the target date and withdraw completely from the arena, and given the statements that have already been made by the principal IFOR participants with respect to what they would do residually in that case, what would you suggest would be the consequences of that particular course of action, which would not acknowledge a U.S. role beyond what has been specifically agreed to in the Dayton Accords?

Ambassador HOLBROOKE. Senator, I think if you go from 60,000 IFOR troops to zero rapidly, the situation risks implosion and would deny, result in the denial of all the positive events of the last year.

The war could even resume if that happened, and I had stated earlier that the resumption of war is highly unlikely.

Some form of residual, international security presence—and I am choosing my words very carefully—is necessary.

Secretary Perry addressed that in Bergen, Norway, at the NATO Defense Ministers Conference. Ambassador Kornblum addressed it at the beginning of this session. The actual decisions can only be made as a result of the NATO study and when we see how the next few weeks unfold on the ground.

The IFOR mission will be completed on schedule. What happens after that is something that I just cannot foresee. But going from 60,000 to zero to my mind is not a conceivable policy. The consequences are far too serious.

Senator ROBB. I happen to share that view. As a matter of fact, I have shared that view since before the start of the process, that that kind of cold turkey deceleration, whatever, and the consequences for the other participants would lead to a result that we are not prepared to deal with. But I do think it is important, as we consider the options, and, understandably, the range of discussion of those options will be somewhat limited in the very near-term, that we understand the consequences that might flow from a very strict interpretation of at least one of the possibilities that might be available to us. I think a more realistic consideration of all of the options is critical at this stage, not only for what might happen but for the kind of messages that we might send in the interim. Any opportunity that you or others who are particularly knowledgeable in the area can take to better inform the public I think will be a service, although it may not always be appreciated—again, in the context in which we see it.

May I ask just one last question that was particularly relevant to much of the questioning that took place early in the IFOR implementation stage but has not been raised as often? More recently, as a matter of fact, the degree of Iranian involvement in Northern Iraq in the Kurdish situation has been more discussed publicly in the last 3 or 4 months at least.

Can you give us a brief recap of how you see that situation with respect to any of the individuals and/or units that remain on the ground and their influence on the process of government as it begins to evolve at this point?

Ambassador HOLBROOKE. I will give you the best information I now have. But Tom may wish to update it in writing because I have not had an intelligence briefing on this recently.

Senator ROBB. I am not really asking for a strict intelligence briefing on the question, obviously.

Ambassador HOLBROOKE. First of all, I know of no Iranian units whatsoever. I believe that the Iranian presence is somewhere and, depending on how you define it, it is more than zero and it is in the double digits somewhere at most. I do not think it creates a serious problem at this time. It had the potential to do so, but I don't think it does.

There is a separate issue which is almost always confused by the public, the Mujaheddin. That is a totally different issue as people repeatedly warn us.

Some Mujaheddin are local Bosnians, people who were brought up there. They are Bosnians. They were trained by Mujaheddin from Afghanistan or some other place. We have all seen the nature of the regime that took over Kabul in the last 4 days. People who are that fanatic were, I don't know if they were from the same group or not, but people with that degree of fanaticism did at one time try to operate in Bosnia.

It was not a very receptive terrain for them. You're dealing with very different kinds of Moslems than you have in the Middle East and Central Asia. But there is a residual problem there, and that I also understand is pretty well under control.

Both issues concern us and neither issue poses a fundamental threat, in my view, to the future.

Senator ROBB. In seeking to find one final kernel of ultimate truth, silver bullet, or whatever the case, what would you say is the single most pressing matter and/or the factor that is most likely if not handled correctly to undermine the Dayton process and to move us in a contrary direction?

Ambassador HOLBROOKE. There are four interrelated issues which have to be dealt with. You asked for a single one, but they are all so closely tied. One is freedom of movement.

Senator ROBB. Which has always been a part of it.

Ambassador HOLBROOKE. It's a huge problem. It has not been granted and it upsets me very much. Also there is the right of refugees to return, which is enshrined in the agreement but is being prevented in all directions. Serbs are being prevented from coming back into the Gerbovic and Alija part of Sarajevo. Croats are being prevented from going this way, Bosnians into Croatian areas. Look at Mostar. Just look at this week in Mostar. They argued about

what time zone they are in, across the river, in the middle of town. In that atmosphere, returning to your homes is tricky.

The third related issue is short-term, but crucial, and that is the municipal elections. Municipal elections will be much more dangerous than the national elections because people who did not bother crossing the inter-entity boundary line to vote in a national election—why should a Moslem go to vote to choose between Krajisnik and Ivanic? That same Moslem might be quite anxious to go back to his or her home village to vote for the municipal leaders. It is a much more important elections for them.

Senator ROBB. Is that the reason that the crossings were so much below what was predicted?

Ambassador HOLBROOKE. Yes. Sure. There was a very unfortunate misunderstanding here. IFOR did something quite logical. They prepared for the maximum number. Then, in classic fashion, they said we're ready for 100,000 or 140,000. So when only 20,000 showed up, it looked like everyone was disappointed. But logically, why should people try to cross the line? The vote was more important in choosing between Silajdzic and Izetbegovic for most of them. Furthermore, they were not sure they were going to make it alive. But since 20,000 crossed with no incidents, which is remarkable, the next election is going to be quite a bit more dramatic. You are going to have far more people try to cross, encouraged by the fact that the 20,000 came and went with no one getting hurt and because of the nature of the election. So that is going to be a very tough issue.

Then, finally, Senator, just to complete my answer—I listed freedom of movement, refugees, and municipal elections—I want to keep on the table war crimes or war criminals. That remains critical.

So if you talk about four issues that could open up the road from where we are today, which is no more war, to a real peace, those are the big ones.

Senator ROBB. Is it possible to get there without solving all four of those, in your judgment?

Ambassador HOLBROOKE. You know, my approach to this thing since we began the shuttle just over 13 months ago has been you take it a step at a time—interim solutions, partial achievements, step by step. Everybody says it cannot be done. No one is more aware of the difficulties than those people who were directly involved in negotiating them.

I listed four items for you. Two of them, freedom of movement and right of refugees to return, are inseparable through the same issue. The elections, the municipal elections, are a finite event. We are going to have to make sure they take place as best as we can.

Senator ROBB. Do you have a sense of how long we should wait or that the process can wait for the municipal elections to take place?

Ambassador HOLBROOKE. I'm going to leave that to the operational people. I am no longer in the government. I don't want to second guess them. But I know they are trying out various dates now. And it depends on how these central institutions start to get established.

Senator ROBB. Ambassador Holbrooke, you have the patience of Job. I suspect that is a prerequisite part of your job description, even now during the period that you are out of government service. We thank you for your continued assistance in this area.

Mr. Chairman, I thank you for the opportunity to pose a couple of questions.

Senator LUGAR. Thank you, Senator Robb.

Secretary Holbrooke, I would just like to follow up Senator Robb's question to talk first about the substance of the solution and, likewise, the political terrain.

Clearly, you have stated earlier that the command of IFOR had various options, but not mandates. We discussed that with regard, for instance, to the war criminal situation. But likewise with regard to movement of refugees and the claim that in the event that IFOR really seriously pursued these objectives, some claim a force much greater than 60,000 would be required, maybe a multiple of that, with casualties, conflict, and so forth. So as a result, the decision of IFOR has been to follow a mission pattern that was narrower, although they were not mandated to do more. They simply had permission, but decided not to take up those options.

But as Senator Robb has elicited from you, these four problems—free movement, refugee return, the efficacy of the local elections, and war criminals going to justice—remain as central factors.

Now in view of that, it would seem to me that it would be very important for both Bosnia and the rest of the world to have confidence that whatever the successor to IFOR may be, if IFOR has completed its mission by December 20, that it be a competent authority, both militarily and diplomatically, that can pursue these very difficult objectives.

In other words, as opposed to thinking in terms of some successor for IFOR which is modest and sort of, in essence holds things together barely, and people then go about working out their affairs, it would appear to be from all the testimony that I have heard that people over there are not likely to work out these affairs.

You keep mentioning the need for pushing people, for some impetus to move ahead in all these areas, and, furthermore, that that impetus should come from NATO, and the United States is an integral part of NATO.

I suppose the point I am making is it would appear to me to be very desirable right now for the President, the Secretary of State or Defense to say we do not know the details of precisely how we are going to be engaged, but we are going to be engaged. In other words, you can have confidence in that. You ought to pursue each of these things knowing that the United States of America is going to offer leadership, that we are going to be together with our allies, and that we are going to configure the group to meet the objectives, which may be more ambitious, as a matter of fact—not less ambitious, but more—than the ones we have been doing. This is as opposed to what I understand the posture of the administration to be currently, which is that it is conceivable we may be involved, that we really don't know because we have to study this thing as to what is required, with the Europeans chirping in; as you pointed out, you'd better be involved or we are coming out in the process.

This is not a conversation that gives great confidence, I would think, to any of the parties in Bosnia, or in European security, or anywhere else.

Now in fairness to the administration, let me just offer an anecdotal experience of my own. I was once campaigning for President and was in South Carolina earlier in this year. We had a presidential debate. Just to be very accurate, Senator Dole and Malcolm Forbes were not there on that occasion. They had chosen not to engage in front of 2,000 South Carolinians who were having a political rally. But it was carried on CNN. It was carried on CNN International, which had even greater implications.

One of the commentators said let's have a snap question with a 45 second answer or less. In the event that a single American soldier was killed in Bosnia, if you were President of the United States, would you jerk all of the American Forces out immediately? Everybody else on the platform said you bet, they should not have been there to begin with. There are grave liabilities here. There's lack of consultation. The President really never laid before the country the options.

I mention this because when I visited the Baltics in May, people over there had heard that and they wondered what kind of situation do you have in terms of your foreign policy. Here you have a situation in which the troops are on the ground, and, of course, everybody affirms that we support the troops. But, nevertheless, if you were to ask me, as President, should they come out—it's you bet, right away.

Well, I was left to indicate that a great power is not jerked around in this way, that, in essence, it is very important that the mission be achieved, that the mission was being achieved, that we were doing remarkable things and so forth.

President Clinton watched that debate and he noted that people were in some cases cheering the idea, get immediately out, and that this is sort of a dicey predicament. If you have an election campaign, it is sort of difficult, really, to say up front you bet that we're going to be there and we're going to lead the alliance, and, as a matter of fact, we're going to make this thing work.

But at the same time, if you don't say that prior to an election, then with the election past, if you are successfully reelected, you say well, we are now seeing what the study has to say and it looks like we have to send troops—well.

Now there may be many Americans, including the ones that were witnessing this debate I'm talking about, who would say, once again, it is a hidden ball trick. There is duplicity involved here. You knew all along what you were going to do. It is perfectly clear America must lead in this situation, and yet, you didn't have anything to say.

Is it not important, at least, for the United States to affirm, first of all, that NATO is important and at the very moment that we are going to be having a December meeting on enlargement of NATO, this is going to go on not in an antiseptic way but simultaneously with whatever we are going to do in Bosnia, that we are going to lead? And even if we do not know the particulars of how many persons and precisely the mission, just in a confidence level we ought to say we are going to be there and we see a mission for us.

Would you comment on any of that?

Ambassador HOLBROOKE. May I just ask one question. When was the debate you referred to, Senator?

Senator LUGAR. It was in January, as I recall.

Ambassador HOLBROOKE. I think you had the bad luck, Senator, to be saying the right thing at the wrong time.

Senator LUGAR. That could well be. [General laughter]

Ambassador HOLBROOKE. The American public at that point was assuming that IFOR would be like the U.N. force, that it would be hunkered down, and you and I had spent a lot of time talking about this. I think you saw clearly, as many of us did, that IFOR was going to be NATO, and they were not going to fool around with it.

As it turned out, not one, single, hostile shot has been fired against a NATO soldier. The Ukrainian who was killed a few weeks ago turned out to have been killed accidentally by one of his own men.

No Americans thought that and predicted it. The Pentagon certainly didn't, and the reason they put 60,000 troops in and the reason that that is clearly not necessary anymore is that they were anticipating the kinds of worst case scenarios which the military should appropriately anticipate in order to protect the force. Force protection was one of their main missions. And I think they went in just right.

I commend you for your courage in saying the truth. I'm sure that President Clinton would have given the same answer that day. But at that time, 70 percent of the American public opposed the deployment. It was, in my view, the most difficult and courageous decision the President took in this administration. And now, apparently over 60 percent of the American public support the deployments. They have seen what it has done, and the cost is commensurate with our national interest.

So I remember the exchange. I just didn't remember the date. I think if that same debate were held today, all of your colleagues would give a different answer, and maybe there was a degree of pandering at that time by some of the other people on the podium with you.

As for your larger question, I think everybody who has worked on the problem understands the point you have made. We are where we are, and John Kornblum has already addressed this issue. I can only repeat what I have said before, which is that no responsible person can contemplate going from 60,000 troops down to zero. It would create an implosion.

First of all, you said does the administration know what it is going to do or is there a secret plan.

Let me assure you that they do not. This is a NATO issue and it could not be addressed until one saw whether the elections were a success, a flop, or somewhere in between, and what happens next, and what do we do about the municipal elections, and how is Krajisnik going to behave, and was this an election that begins to dismember the country or knit it together.

I am astonished by the amount of automaticity in journalism that this election was a dismemberment or partition of the country. It was partitioned. It was dismembered. This election was a ten-

tative step back away from that and how successful it is depends on what we do now. It is in that context that the issue you addressed will be resolved.

Senator LUGAR. Do you have further questions, Senator Pell?

Senator PELL. No, thank you.

Senator LUGAR. Senator Robb.

Senator ROBB. No, Mr. Chairman, but I might observe that that was not the only time that the distinguished Chairman may have had the right answer but perhaps in front of the wrong audience.

Senator LUGAR. I see. [General laughter]

Well, I will let that one pass. [General laughter]

Secretary Holbrooke, we deeply appreciate your testimony and your answers to our questions. You are in a unique position historically to have been so involved with all the parties. So your testimony is especially important to us and we thank you for coming.

Ambassador HOLBROOKE. I am honored to be here, Senator, and especially before Senator Pell.

Thank you.

Senator PELL. Thank you.

Senator LUGAR. The Chair would like to recognize now a panel composed of Ms. Diane Paul, Helsinki Researcher of the Human Rights Watch/Helsinki, from New York; Ms. Susan Woodward, Senior Fellow of the Foreign Policy Studies Program, Brookings Institution of Washington, DC; and Mr. John Fox, Washington Representative of the Open Society Institute, Washington, DC.

We welcome this distinguished panel. We appreciate your re-appearance 3 weeks after initial testimony that was especially helpful to the committee and to the country. At that time, we indicated to Secretary Kornblum and to each of you that it would be well for us to reassemble to take a look at the election results and the reactions to those results in Bosnia, and elsewhere.

So I appreciate this reassembly. I would like to call upon you in the order that I introduced you. First of all we will have testimony by Ms. Paul, then Ms. Woodward, and last Mr. Fox. Ms. Paul.

STATEMENT OF DIANE PAUL, HELSINKI RESEARCHER, HUMAN RIGHTS WATCH/HELSINKI, NEW YORK, NY

Ms. PAUL. Senator Lugar and distinguished members of the committee, thank you for inviting me here today and thank you for your continued interest in the human rights situation in Bosnia and Herzegovina.

The human rights community recognizes and deeply appreciates the fact that the signing of the Dayton Agreement stopped the shelling and siege of cities and put an end to the slaughter of helpless civilians. We welcome the chance for a lasting peace, but such a peace cannot be reached through symbolic gestures and lofty rhetoric alone.

Now it is time to demonstrate our stated commitment to democracy building, human rights, and justice. Our Government, having forced elections in Bosnia despite the abysmal failure of the parties to create a free and fair environment, now owes it to the Bosnian people to back up its claims that the elections represent a new beginning for Bosnia. This means that it is not time to congratulate

ourselves, dust off our hands, and walk away. Instead, there is a lot of hard work ahead.

The U.S. Government should start by playing a leadership role in the U.N. Security Council when the Council meets to discuss lifting sanctions against the Bosnian Serbs and Serbia. U.N. Security Council Resolution 1022 states that the Council will lift the sanctions, which have been suspended, "following the occurrence of the first free and fair elections provided for in Annex 3 of the Dayton Peace Agreement."

I would dare to say there is not a single person in this room who would claim that the elections in Bosnia were free and fair.

OSCE Ambassador Robert Frowick himself admitted the elections were not and acknowledged that problems with freedom of movement, freedom of association, and freedom of expression still exist. Congress should insist that the U.S. representatives urge the Security Council to keep the sanctions in place, allowing the Bosnian Serbs an opportunity to demonstrate their intent to comply with the agreement they signed at Dayton, before the municipal elections are held. These elections should be postponed, as recommended by Ed van Thijn, head of the OSCE's independent monitoring mission—and, by the way, all 25 of his monitors agreed with him—until technical problems and security concerns can be adequately addressed.

Regarding the general elections, I am compelled to tell you, having heard Ambassador Kornblum's statement, that the Elections Appeal Subcommission of the OSCE in fact called for a recount. So there was not unanimous agreement, in fact, within OSCE about the vote. But their recommendation was disregarded.

A further point on the sanctions issue is that Resolution 1022 called on the parties, once again, to cooperate with the International Criminal Tribunal of the former Yugoslavia. The Bosnian Serbs and Serbia have steadfastly refused to turn over any person indicted for war crimes by the Tribunal. They have attempted to hide evidence of the slaughter at Srebrenica, and they have otherwise obstructed justice. To lift the sanctions now would be to reward many months of absolute defiance of international standards and agreements.

This approach, combined with the failure of the United States to call on IFOR to arrest persons who are indicted for war crimes, whom we all know are unlikely to be arrested otherwise, makes a mockery of the concept of international justice and renders the Tribunal impotent.

Every little despot with the means to subjugate a minority ethnic or religious population will take heart if the Tribunal fails in its mission due to the lack of international will.

As an agreement is reached on a follow-on force for Bosnia, NATO should expressly include in its mandate a requirement for NATO troops to arrest persons indicted for war crimes. No economic aid, save for humanitarian assistance, should be given until there is compliance with the Tribunal's request to hand over indicted persons, which is consistent with U.S. law, as we understand it, under the Foreign Assistance Act, which prohibits economic assistance to countries harboring war criminals.

Accountability for those who commit human rights abuses is necessary on the local level as well. Human Rights Watch will soon release a report which will provide specific information about the actions of named authorities in certain towns and cities where non-compliance with Dayton has been especially grievous.

Until now, there has been a reluctance on the part of international organizations to publicly name those responsible for abuses. While care must always be taken to avoid unjust accusations, in many cases there is considerable evidence of involvement in abuses or failure to comply with Dayton.

We call on the OSCE's Election Appeals Subcommittee to strike from the ballot those candidates for municipal positions who have participated in attacks on opposition members, engaged in serious violations or manipulation of elections rules and regulations, or who have participated in restricting freedom of movement.

The rules and regulations of the Provisional Elections Committee permit them to take such action. While they did exercise this mandate during the general elections, it was to a very limited extent, and we would like to see a concentrated effort to apply penalties where appropriate.

We also call on the International Police Task Force and High Representative Carl Bildt to demand the removal of police chiefs who have demonstrated serious noncompliance with the human rights annex of the Dayton agreement or—and there are many police chiefs who fall into this category—who have refused to cooperate with the IPTF. IPTF's mandate includes assistance in the creation of a new police force throughout Bosnia. Police officers who were involved in abuses during the war or since the signing of the Dayton Agreement are theoretically ineligible for service. Needless to say, the full cooperation of the authorities is not expected. The process of ousting the bad guys needs to start, in fact, with police officials.

Recently, IFOR and IPTF succeeded in removing Simo Drljaca, the notorious police chief in Prijedor, which was definitely a step in the right direction.

Human Rights Watch would also like to see IPTF's mandate strengthened to enable them to take more robust action to intervene in human rights cases and impose penalties when police engage in abuses, refuse to conduct appropriate investigations, or otherwise fail to cooperate with IPTF. In many parts of Bosnia, no rule of law exists. The police serve as the instruments of the hard liners. On both sides, arbitrary arrest, detention, and beatings by police are commonplace.

Recently, two Muslims were murdered in police custody in Banja Luka, and yet the police have failed to cooperate with IPTF in the investigation and have refused to hold those responsible accountable for their actions.

Even when courts act to protect the interests of vulnerables, court orders often go unenforced. There is a critical need to assist in the development of a legal system which will protect the rights of minorities and others. In the interim, during this transition period between war and a return to a civil society, there is a "protection gap" which must be filled. To this end, we argue that the mandate of both IPTF and IFOR should be strengthened to enable

them to take effective action when necessary to protect life and to prevent expulsions.

We have outlined specific recommendations regarding the roles they might play in protection and, in fact, we have just released a report on the role of the International Police Task Force in which we make a number of recommendations.

To state that the local authorities are responsible for insuring the protection of persons under threat is, of course, correct. But when they do exactly the opposite, we cannot merely monitor and report. We have to take action.

I have spent considerable time on the ground in Bosnia and it is a fallacy that IPTF officers or IFOR troops, or even commanders in some cases, do not want to be involved in assisting victims of human rights abuses or in arresting persons indicted for war crimes, for that matter. In many cases, they volunteered to go to Bosnia precisely because they believe that something should be done to stop attacks on innocent people.

We face a very serious problem in Bosnia now, and that is the continued expulsion of ethnic minorities from certain areas. Of special concern is the situation for non-Serbs in northwestern Bosnia, whose communities are fast disappearing.

UNHCR, the High Commission for Refugees, was recently forced to evacuate out of the country 31 Muslims from the town of Banja Luka due to threats against them. This is the first time since the signing of the Dayton Agreement that evacuation of minorities has been necessary. In other words, they had to be taken actually out of the country and resettled for their protection.

Where there were once over a half million non-Serbs, there are fewer than an estimated 20,000 left today. Less than 5 percent of the former non-Serb population of Serb-controlled Bosnia remains.

The Bosnian Serb policy of ethnic cleansing has not changed. Only their methods have. This is a tragedy beyond description because they have nearly succeeded in creating an ethnically pure state and the international community has allowed them to do it, even since the signing of the Dayton Agreement.

There is concern now that should the Serbs in the Eastern Slavonia region of Croatia be encouraged by their leadership to leave when the area reverts to Croatian control—somewhat like what happened, possibly, in Sarajevo—they might be refused entry into Serbia and could end up in northwestern or eastern Bosnia. This would not only end the presence of any sizeable Serb minority in Croatia, but would virtually insure that remaining Muslims and Croats in Republika Srpska will be forced out of their homes, ostensibly to make room for the new refugees. Repatriation to the area will then become even more unlikely.

Minorities on the Federation side are also under threat. Serbs in Sarajevo, Croats in Bugojno, and Muslims in West Mostar have been forced from their homes through campaigns of harassment and eviction, which continue today.

Despite the presence of tens of thousands of internationals in Bosnia, these evictions continue, and monitoring and reporting alone will not save these last minority communities.

NATO Forces and IPTF should enhance cooperation in the field, just as they did during the recent elections, to protect persons at

risk of expulsion or abuse. Their presence and combined approach sent a very strong message to the parties on election day. Imagine what they could have done had they exerted even a fraction of the same effort during the exodus of Serbs from Sarajevo in the early part of the year, or during expulsions of Muslims from Teslic in May and June, which is in Republika Srpska territory.

Joint efforts by IFOR and IPTF, when they have occurred in the field, have been quite successful. They stopped forced labor in one community—which was still going on, by the way, in Republika Srpska as late as May—and reassured minority residence in another. They should be encouraged to conduct such activities throughout Bosnia as others work to strengthen the rule of law.

Toward that end, OSCE, the Human Rights Ombudsman, the U.N. Center for Human Rights, and other human rights monitors should focus on supporting local, nongovernmental organizations in the development of human rights and democracy building programs. But they should in the meantime redouble their efforts to prevent further evictions and to actively intervene in human rights cases.

OSCE should have a long-term presence, at least 2 years, in Bosnia, and its human rights monitoring mission should be free to function without being constrained by political considerations which undermine human rights work.

This, Senator, has been a serious problem. Human rights monitors within OSCE and within other organizations have reported to us in the field that they have been under considerable pressure to downplay human rights abuses, mostly due to the election.

Ample financial support must be given to the independent press, human rights organizations, and moderate political parties whose agenda is consistent with the principles espoused in the Dayton Agreement. The creation and support of such organizations is critical to long-term success.

For example, there is some interest in creating a human rights center in Banja Luka because currently there is no multiethnic human rights locally based organization functioning in Republika Srpska. But they need funding in order to get it off the ground.

This would enable pressure on Republika Srpska officials from within to begin.

At the same time, the international community, especially the Americans, should strongly reaffirm the principle of conditioning international economic assistance to compliance with commitments made at Dayton, emphasizing that economic assistance to jurisdictions with significant human rights problems will be denied while it is granted to those displaying goodwill.

The issue of repatriation and bringing war criminals to justice should be of paramount concern. Thank you, Senator.

[The prepared statement and report of Ms. Paul follow:]

PREPARED STATEMENT OF DIANE PAUL

Senator Lugar, and distinguished members of the Committee, thank you for inviting me here today, and thank you for your continued interest in the human rights situation in Bosnia and Herzegovina.

The human rights community recognizes and deeply appreciates the fact that the signing of the Dayton agreement stopped the shelling and siege of cities, and put an end to the slaughter of helpless civilians. We welcome the chance for a lasting

peace, but such a peace cannot be created through symbolic gestures and lofty rhetoric alone. Now it is time to demonstrate our stated commitment to democracy-building, human rights and justice. Our government, having forced elections in Bosnia despite the abysmal failure of the parties to create a free and fair environment, now owes it to the Bosnian people to back up its claims that the elections represented a new beginning for Bosnia. This means that it is not time to congratulate ourselves, dust off our hands, and walk away. Instead, there is a lot of hard work ahead.

The U.S. government should start by playing a leadership role in the U.N. Security Council when the Council meets to discuss lifting sanctions against the Bosnian Serbs and Serbia. U.N. Security Council Resolution 1022 states that the Council will lift the sanctions, which have been suspended, "following the occurrence of the first free and fair elections provided for in Annex 3 of the Peace Agreement." I would dare to say that there is not a single person in this room who would claim that the elections in Bosnia were free and fair. OSCE Ambassador Robert Frowick himself admitted the elections were not, and acknowledged that problems with freedom of movement, freedom of association, and freedom of expression still exist. Congress should insist that U.S. representatives urge the Security Council to keep the sanctions in place, allowing the Bosnian Serbs an opportunity to demonstrate their intent to comply with the agreement they signed at Dayton before the municipal elections are held. These elections should be postponed, as recommended by Ed van Thijn, head of the OSCE's independent monitoring mission, until technical problems and security concerns can be adequately addressed.

A further point on the sanctions issue is that Resolution 1022 called on the parties, once again, to cooperate with the International Criminal Tribunal of the former Yugoslavia. The Bosnian Serbs and Serbia have steadfastly refused to turn over any person indicted for war crimes by the Tribunal, have attempted to hide evidence of the slaughter at Srebrenica, and have otherwise obstructed justice. To lift sanctions now would be to reward many months of absolute defiance of international standards and agreements. This approach, combined with the failure of the United States to call on IFOR to arrest persons who are indicted for war crimes—whom we all know are unlikely to be arrested otherwise—makes a mockery of the concept of international justice, and renders the Tribunal impotent. Every little despot with the means to subjugate a minority ethnic or religious population will take heart if the Tribunal fails in its mission due to lack of international will. As an agreement is reached on a follow-on force for Bosnia, NATO should expressly include in its mandate a requirement for NATO troops to arrest persons indicted for war crimes. No economic aid, save strict humanitarian assistance, should be given until there is compliance with the Tribunal's requests to hand over indicted persons.

Accountability for those who commit human rights abuses is necessary on the local level as well. Human Rights Watch will soon release a report which will provide specific information about the actions of authorities in certain towns and cities where non-compliance with Dayton has been particularly grievous. Until now, there has been a reluctance on the part of international organizations such as the IPTF, OSCE, and the High Representative to publicly name those responsible for abuses. While care must always be taken to avoid unjust accusations, in many cases there is considerable evidence of involvement in abuses or failure to comply with Dayton.

We call on the OSCE's Election Appeals Sub-Commission to strike from the ballot those candidates for municipal positions who have participated in attacks on opposition members, engaged in serious violations or manipulation of other elections rules and regulations, or who have participated in restricting freedom of movement. The rules and regulations of the Provisional Elections Committee permit them to take such action. While they did exercise their mandate during the general elections, it was to a very limited extent, and we would like to see a concentrated effort to apply penalties where appropriate.

We also call on the International Police Task Force (IPTF) and High Representative Carl Bildt to demand the removal of police chiefs who have demonstrated serious non-compliance with the human rights annex of the Dayton agreement or who have refused to cooperate with the IPTF. IPTF's mandate includes the creation of a new police force throughout Bosnia. Police officers who were involved in abuses during the war or since the signing of the Dayton agreement are theoretically ineligible for service. Needless to say, the full cooperation of the authorities is not expected. The process of ousting the bad guys needs to start with police officials. Recently, IFOR and IPTF succeeded in removing Simo Drljaca, the notorious police chief in Prijedor—definitely a step in the right direction.

Human Rights Watch would like to see IPTF's mandate strengthened to enable them to take more robust action to intervene in human rights cases and impose penalties when police engage in abuses, refuse to conduct appropriate investigations, or

otherwise fail to cooperate with IPTF. In many parts of Bosnia, no rule of law exists. The police serve as the instruments of the hardliners. On both sides, arbitrary arrest, detention, and beatings by police are commonplace. Recently, two Muslims were murdered in police custody in Banja Luka, and yet the police have failed to cooperate with IPTF in the investigation and have refused to hold those responsible accountable for their actions. Even when courts act to protect the interests of vulnerable, court orders often go unenforced. There is a critical need to assist in the development of a legal system which will protect the rights of minorities and others. In the interim, during this transition period between war and return to a civil society, there is a "protection gap" which must be filled. To this end, we argue that the mandate of both IPTF and IFOR should be strengthened to enable them to take effective action, when necessary, to protect life and to prevent expulsions. We have outlined specific recommendations regarding the roles they might play in protection. To state that the local authorities are responsible for ensuring the protection of persons under threat is of course correct, but when they do exactly the opposite, we cannot merely monitor and report—we have to take action.

I have spent considerable time on the ground in Bosnia, and it is a fallacy that IPTF officers or IFOR troops and even commanders do not want to be involved in assisting victims of human rights abuses—or in arresting persons indicted for war crimes, for that matter. In many cases, they volunteered to go to Bosnia precisely because they believed that something should be done to stop attacks on innocent people.

We face an extremely serious problem in Bosnia now, and that is the continued expulsion of ethnic minorities from certain areas. Of special concern is the situation for non-Serbs in northwestern Bosnia, whose communities are fast disappearing. UNHCR was recently forced to evacuate out of the country 31 Muslims from the town of Banja Luka due to threats against them. Where there were once well over half a million non-Serbs, there are fewer than an estimated 20,000 left today—less than 5% of the former population remain. The Bosnian Serb policy of ethnic cleansing has not changed; only their methods have. This is a tragedy beyond description, because they have nearly succeeded in creating an ethnically pure state, and the international community has allowed them to do it. There is concern now that should Serbs in the Eastern Slavonia region of Croatia be encouraged by their leadership to leave when the area reverts to Croatian control, they might be refused entry into Serbia and end up in northwestern Bosnia. This would not only end the presence of any sizable Serb minority in Croatia, but would virtually ensure that remaining Muslims and Croats in Republika Srpska will be forced out of their homes, ostensibly to "make room" for the new refugees. Repatriation to the area will become even more unlikely. Minorities on the Federation side are also under threat. Serbs in Sarajevo, Croats in Bugojno, and Muslims in West Mostar have been forced from their homes through campaigns of harassment and eviction. Despite the presence of tens of thousands of internationals in Bosnia, the evictions continue. Monitoring and reporting alone won't save these last minority communities.

NATO forces and IPTF should enhance cooperation in the field, just as they did during the recent elections, to protect persons at risk of expulsion or abuse. Their presence and combined approach sent a strong message to the parties on election day. Imagine what they could have done had they exerted even a fraction of the same effort during the exodus of Serbs from Sarajevo in the early part of the year, or during expulsions of Muslims from Teslic in May and June. Joint efforts by IFOR and IPTF have been successful in stopping forced labor in one community, and in reassuring minority residents in another. They should be encouraged to conduct such activities throughout Bosnia as others work to strengthen the rule of law.

Toward that end, OSCE, the Human Rights Ombudsman, the UN Center for Human Rights, and other human rights monitors should focus on supporting local non-governmental organizations in the development of human rights and democracy-building programs—but they should in the meantime redouble their efforts to prevent further evictions and to actively intervene in human rights cases. OSCE should have a long-term presence, at least two years, in Bosnia, and its human rights monitoring mission should be free to function without being constrained by political considerations which could undermine human rights work.

Ample financial support must be given to the independent press, human rights organizations, and moderate political parties whose agenda is consistent with the principles espoused in the Dayton agreement. The creation and support of such organizations is critical to long-term success. For example, there is some interest in creating a human rights center in Banja Luka—there is currently no locally-based human rights organization in Republika Srpska, but funding is needed to get it off the ground.

At the same time, the international community, especially the Americans, should strongly reaffirm the principle of conditioning international economic assistance to compliance with commitments made at Dayton, emphasizing that economic assistance to jurisdictions with significant human rights problems will be denied, while it will be granted to those displaying good will.

BOSNIA-HERZEGOVINA—NO JUSTICE NO PEACE

SUMMARY

The United Nations International Police Task Force (IPTF) faces a crucial test, with little time remaining. From the international community it needs the necessary resources and political support to accomplish its goals: vetting the local police of Bosnia-Herzegovina and ensuring that they are respectful of human rights and free of officers implicated in past "ethnic cleansing." If there is to be long-term peace and respect for fundamental human rights in Bosnia-Herzegovina, those who carried out serious violations of international humanitarian and human rights law during the war must be removed from positions of power and held accountable for their abusive conduct.

Nowhere is this process more crucial than among the local police forces of Republika Srpska and the Bosniak-Croat Federation. The conflict in Bosnia-Herzegovina was characterized by massive human rights violations against civilians, and the perpetrators of the abuses were frequently members of local police forces. Furthermore, after the cessation of hostilities, demobilized soldiers and paramilitaries in some areas joined the local police. The existing local police force needs to be reduced, restructured and reformed. It needs to overcome not only its war-time past, but its communist past as well. But most of all, in order to be restructured, retrained and able to enjoy any degree of public confidence and trust, it must be purged of individuals with records of severe human rights abuses.

IPTF has a mandate to restructure and retrain the local police forces. While primarily charged with the oversight of law enforcement activities in the country—that is, tasks related to preventing or decreasing the number of current human rights violations—IPTF also has the potential to affect the future human rights situation, and accountability for past abuses as well. Created under the terms of the Dayton peace agreement, IPTF was charged with overseeing civilian policing activities in Bosnia-Herzegovina during the presence of international forces in the country, and with helping to create a new, democratic police force that will be left in place after international actors leave.

IPTF's mandate to vet the local police of Bosnia-Herzegovina gives it the opportunity to make a particularly important contribution to long-term security and respect for human rights in the country. If the vetting is done properly, IPTF can help to create a new, democratic police force. The importance of this aspect of IPTF's mandate cannot be underestimated. Local police will be left on the scene when international forces leave the area, and it will be the local police who will largely determine whether the human rights of citizens of Bosnia-Herzegovina are protected and upheld. If, however, before any restructuring and retraining takes place, candidates are not thoroughly screened, the whole process will be rendered futile, and all the significant resources invested in it, a waste.

As the three-quarters mark of the duration of IPTF's initial mandate approaches, this report examines aspects of the human rights role that IPTF has played and looks at the prospects for restructuring the local police and, in particular, the task of screening candidates for police jobs. Whereas restructuring is already underway in the Bosniak-Croat Federation, with a basic agreement reached in April and further details agreed upon in May, no such progress has occurred on the Republika Srpska side. In the Republika Srpska, no agreement has been signed as of this writing, and the entire process has been stalled. In this report, we make recommendations to enhance the IPTF's current effectiveness and maximize its ability to reform the local police.

RECOMMENDATIONS

Human Rights Watch urges the IPTF to:

- increase patrolling activities in areas with a high incidence of human rights abuses. In places where the security of IPTF monitors is at risk, IPTF should coordinate with the Implementation Forces (IFOR) to ensure that patrolling activities are not obstructed;
- instruct all stations immediately to record and report to IPTF Headquarters all instances of non-compliance with the Dayton agreement by members of the local police and act upon them quickly;

- publicize the screening process through the local media, including by placing paid advertisements and creating mechanisms through which the local population can furnish the IPTF with information regarding abusive police officers, and including assurances of complete anonymity for witnesses. The announcements should spell out the selection criteria and explain the process to the public;
- establish mechanisms to protect individuals who provide information on abusive officials to the IPTF. Without protection mechanisms in place, intimidation will prevent people from reporting their experiences;
- develop a relationship with the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY), with an agreement to share information on records the ICTY holds on police officials or officers;
- seek information from local and international human rights organizations regarding human rights abuses committed by members of the police;
- publicize the vetting process through the international media;
- consider information submitted by nongovernmental organizations and local witnesses in evaluating applicants' compliance with the provisions of the Dayton agreement, given that IPTF officers may have not reported all serious cases of non-compliance to the Sarajevo headquarters;
- ensure that all police officers responsible for post-Dayton human rights abuses, harassment of or threats against minorities, or who have failed to investigate and punish those responsible for human rights abuses committed under their jurisdiction, will automatically be made ineligible for police posts;
- make sure that all police officers guilty of non-compliance with the provisions of the Dayton agreement will be automatically made ineligible for police posts. Acts of non-compliance should be understood to include, but not be limited to the obstruction of freedom of movement, failure to protect the rights to return or remain, and violation of an individual's freedom of expression and association;
- ensure that all police who have threatened or committed acts of violence against IPTF, as well as those police officers temporarily detained by IFOR, will automatically be made ineligible for police posts;
- establish procedures in coordination with the Office of the High Representative to deal with any refusal by the Ministry of the Interior of Republika Srpska or by Federation authorities, including officials of the so-called Herzeg-Bosnia, to cooperate with the vetting process; and
- guarantee that the procedure by which allegations of abuse are evaluated ensures that the accused individual is given notice of the accusations against him or her, and that he or she has an opportunity to provide evidence that might refute such allegations.

Human Rights Watch urges the Security Council of the United Nations to:

- ensure, as a matter of urgent priority, that IPTF is given all necessary resources (including but not limited to interpreters, vehicles, communications and technical equipment) to perform its mandated duties and to assure the safety of IPTF monitors themselves; and
- request that the secretary-general inform in his next report on measures taken by IPTF to remove individuals with a record of human rights abuses or non-compliance with the Dayton agreement from the police forces of the Bosniak-Croat Federation and Republika Srpska.

Human Rights Watch urges the High Representative to:

- declare the failure on the part of the leadership of Republika Srpska to reach an agreement regarding the restructuring of the police force as non-compliance with the Dayton agreement, and recommend that the Security Council reimpose sanctions.

Human Rights Watch urges the international community to:

- make the thorough screening of applicants for police jobs a precondition for any bilateral and multilateral aid earmarked for modernizing and retraining the police of Bosnia-Herzegovina.

MANDATE AND STRUCTURE

The Dayton agreement in annex II contains the "Agreement on International Police Task Force." Under its terms, parties were to request that the Security Council establish a U.N. civilian police operation to carry out, throughout Bosnia-Herzegovina, an assistance program the elements of which were elaborated in the annex's article III. while the basic elements of IPTF's mandate were contained in

that article, farther details were to be elaborated subsequently by the U.N. and approved by a resolution of the Security Council.

Article III of Annex II of the peace accord establishes the following tasks for IPTF:

1. *IPTF assistance includes the following elements, to be provided in a program designed and implemented by the IPTF Commissioner in accordance with the Security Council decision described in Article I (2):*

- (a) monitoring, observing, and inspecting law enforcement activities and facilities, including associated judicial organizations, structures, and proceedings;
- (b) advising law enforcement personnel and forces;
- (c) training law enforcement personnel;
- (d) facilitating, within the IPTF's mission of assistance, the Parties' law enforcement activities;
- (e) assessing threats to public order and advising on the capability of law enforcement agencies to deal with such threats;
- (f) advising governmental authorities in Bosnia-Herzegovina on the organization of effective civilian law enforcement agencies; and
- (g) assisting by accompanying the Parties' law enforcement personnel as they carry out their responsibilities, as the IPTF deems appropriate.

The accord also, among other things, authorizes IPTF to have access to any site, person, activity, proceeding, record or event in Bosnia-Herzegovina as deemed by IPTF necessary in carrying out its responsibilities.¹

Following the signing of the peace accord, the U.N. secretary-general sent a police reconnaissance mission to the area. Based on its findings, the secretary-general's December 13, 1995 report elaborated farther details of IPTF's mandate. Among other things, the secretary-general recommended:

While International Police Task Force monitors may be involved in local mediation if conflicts arise as a result of actions by local police, the Task Force will not exercise any executive law enforcement functions. Its effectiveness will depend, to an important extent, on the willingness of the parties to cooperate with it in accordance with article IV of annex II to the Peace Agreement.

Given the widespread availability to the population of long arms and even heavier weapons, I have given consideration to the possibility of arming the International Police Task Force monitors. The traditional side-arms carried by police officers would, however, be no match for the type of weapons likely to be at the disposal of those who might threaten the monitors. The security of the Task Force must flow from the authority granted to it by all parties under the Agreement and from the fact that its personnel represent no threat to any armed element in that area of operation. I strongly recommend, therefore, that the Task Force monitors should not be armed.²

Security Council Resolution 1035 of December 21, 1995 endorsed the recommendations made by the secretary-general's report and established the force for a period of twelve months. Under these terms, IPTF was to have its headquarters in Sarajevo, with stations throughout Bosnia-Herzegovina, to be headed by a commissioner appointed by the secretary-general, and to be composed of 1,721 members provided by member states.

Even though member states were prompt to offer the required number of police officers, actual deployment was extremely slow.³ Member states were slow to send the officers pledged, and many of the officers ultimately deployed failed the basic English-language and driving tests. In March, the force finally began to experience a significant influx of police monitors. As of March 5, 1996, only 392 officers had been deployed; that number grew to 828 by March 31; then to 1,302 a month later, and, eventually, to 1,697 as of August 19, 1996.⁴ In his June 1996 report to the Security Council, the secretary-general stated that the mission had been brought to operational level in April 1996.⁵

IPTF RESPONSE TO CURRENT ABUSES

The first important test of IPTF's capability to protect civilians and prevent abuses came during the transition of authority in Sarajevo in early March, when

¹ Dayton peace agreement Annex II, Article IV(3), U.N. Doc. 5/1995/999.

² U.N. Doc. S/1995/1031, paragraphs 27 and 28.

³ Member states offered a total of 1,985 officers. See U.N. Doc. S/1996/460, Annex.

⁴ Ibid., and United Nations Mission in Bosnia and Herzegovina (hereinafter UNMIBH), DPI/1845, August 1996.

⁵ U.N. Doc. S/1996/460, paragraph 2.

several neighborhoods of the city and its suburbs were being transferred from Bosnian Serb control to that of the Sarajevo government. At the time, IPTF was strongly criticized for failing to prevent both harassment of individuals willing to remain in their homes and the massive destruction of property and city infrastructure perpetrated by the Bosnian Serbs.⁶ The inadequate number of available police monitors significantly contributed to IPTF's flawed performance during that crucial period.⁷

- Several villages around the town of Teslic in Republika Srpska territory have had a very high incidence of instances of violent abuses perpetrated by Serbs on the Bosniak minority. Human Rights Watch/Helsinki has detailed several such cases in a previous report.⁸ In late May, IPTF established a station with twenty-five police officers in the town of Teslic. In that report we documented complaints by the remaining Bosniak population that IPTF rarely acted decisively on reported problems and that it did not actively monitor the activities of the Republika Srpska police, whose members were often the perpetrators or perpetrators' accomplices in the reported abuses and who are feared by the non-Serb population. We also highlighted the concern that not enough patrolling took place in villages around Teslic and that there were no patrols at night, when most abuses occurred.
- In one incident in Teslic, described by a press account, a grenade had been tossed at a man's door and IPTF officers reported the case to the local police, despite the victim's specific request that they not do so. The man suspected that local police had thrown the hand grenade themselves and thus felt that reporting the case to the local police would be at best useless and at worst dangerous.⁹

According to recent interviews by Human Rights Watch/Helsinki, the situation in Teslic has remained tense, farther exacerbated by tensions related to the mid-September elections. IPTF has been experiencing some five walk-in complaints a day from the civilian population.¹⁰

- In the nearby town of Doboj, in at least one case documented by Human Rights Watch/Helsinki, IPTF failed to act upon repeated complaints: On July 22, an elderly Croat woman, Mrs. P., came to the IPTF station in Doboj to report on the verbal and physical abuse she was suffering at the hands of Serb displaced persons who had been housed in her apartment.¹¹ The IPTF monitors refused to take her statement and instead directed her to the local (Serb) police. She explained that she did not feel comfortable appealing to Serb policemen and that on previous occasions when she had gone to the local police, she was told by them that she "had no rights" and that she should leave Republika Srpska. She had reported previous incidents to the WTF station and at least on one occasion her statement had been recorded. She returned to IPTF station Doboj on July 23, to be told again that there was no need to take a statement.¹²

With the ongoing influx of new monitors and the opening of new IPTF stations throughout the area over the past several months, the international police presence has become more visible, and in the course of its investigations in different parts of the country, Human Rights Watch/Helsinki encountered several examples of IPTF's contributions to the improvement of the human rights situation.

⁶For more information, see Human Rights Watch/Helsinki (formerly Helsinki Watch), "Bosnia-Herzegovina: A Failure in the Making, Human Rights and the Dayton Accords," *A Human Rights Watch Short Report*, vol. 8, no. 8, June 1996.

⁷For example, in his March 21, 1996 report to the Security Council (U.N. Doc. S/1996/210), the secretary-general stated in paragraph 8: "As at 15 March 1996, a total of 67 monitors have been repatriated—50 for not meeting the language criteria and 17 for not passing the driving tests. To cope with this problem, the Department of Peace-keeping Operations has dispatched a police selection assistance team to a group of countries to conduct in-country tests prior to the contingents' travel. This, inevitably, has involved additional and avoidable expenditures. I should like to take this opportunity to appeal to contributing Governments to ensure that properly qualified personnel are provided for the United Nations operations."

⁸For more information, see Human Rights Watch/Helsinki, "Bosnia-Herzegovina Update—Non-Compliance with the Dayton Accords: Ongoing Ethnically-Motivated Expulsions and Harassment in Bosnia," *A Human Rights Watch Short Report*, vol. 8, no. 12, August 1996.

⁹Mike O'Connor, "Along an Ethnic Fault Line, Bosnians Fear Hard-Liners," *The New York Times*, June 1, 1996.

¹⁰Human Rights Watch/Helsinki interview with an international official in Bosnia-Herzegovina, August 7, 1996.

¹¹The Republika Srpska authorities have been known to forcibly resettle Serb refugees wherever they choose, frequently into the homes of remaining minorities which the authorities deem to be too large for the number of persons living there.

¹²Human Rights Watch/Helsinki interview with an international monitor, early August 1996.

- In June, in two villages near Teslic, Muslim men were forced to perform hard physical labor. In the first village a local Serb civilian leader was responsible for this state of affairs. On approximately July 4, IPTF heard of the situation, went to the village, found the men working and took photographs. Since then the forced labor has ceased in that village. In the second village, the forced labor was run by the local military authorities. In response to reports of forced labor, IPTF went to the town, but its monitors were denied access to the military facility where the men were working. The excuse given was that IPTF does not have access to places of detention run by military authorities.¹³ IPTF left and contacted the local IFOR contingent and subsequently returned with IFOR operatives, who were also denied entry. However, after IFOR surrounded the facility, the forced labor stopped.¹⁴
- As of late July, there was ongoing harassment of the remaining Serb population in the Sarajevo suburb of Ilijas that had been under Serb control until early 1996. IPTF in Ilijas had been monitoring the situation and attempting to pressure the local Federation police to take action, often to no avail. However, some Serbs in Ilijas reported to Human Rights Watch/Helsinki that IPTF has helped them just by being present. Unfortunately, despite the continuing mistreatment and intimidation of Serbs in Ilijas, the number of IPTF monitors in the Ilijas station was first reduced, and, by the end of the summer, the station was closed. The IPTF/Ilijas station commander complained to Human Rights Watch/Helsinki in June that the pending closure of the station was incomprehensible, as it would leave the Serb minority without any protection against ongoing harassment.¹⁵ He protested the plans to close the station to the highest levels of the IPTF structure, but against his protestations the station was closed.
- Similarly, in another formerly Serb-controlled Sarajevo suburb, Ilidza, the remaining Serbs have been subject to harassment and hostility from Bosnian refugees from Srebrenica, some of whom resettled in this area. The Federation police had initially not intervened to prevent such abuse. Due to pressure from IPTF, however, the Federation police station chief was replaced and instances of harassment are reportedly less frequent.
- In the Teslic area, in July, Human Rights Watch/Helsinki observed that there was still a mobile Republika Srpska checkpoint one kilometer from the inter-ethnic boundary line (IEBL), near an IFOR checkpoint. Persons displaced from Teslic who attempted to cross the IEBL reported that they were harassed at this checkpoint and frequently sent back. Human Rights Watch/Helsinki asked the IPTF monitors who were sitting at the IEBL whether they were aware of the presence of Serb police nearby. They reported that they were aware of it but could do nothing about it. Human Rights Watch/Helsinki then asked if they have seen the Republika Srpska police harass people, and IPTF reported that they would not do this with IPTF watching.
- In those villages around Teslic where IPTF began patrolling, or increased the frequency of the patrols, incidents of harassment of Bosniaks by the Serbs has decreased since. However, there are still some more remote villages with Bosniak minorities where, as of the end of July, IPTF did not patrol, and IPTF remained hesitant to patrol any of the villages at night, the time when abuses are most likely to occur.
- In the Muslim villages in the Sapna thumb,¹⁶ which at the time were on the Republika Srpska side, IPTF conducted patrols twice a day from approximately the beginning of May until the transfer of the territory to the Federation in early July; in response to reports that the villagers were being harassed by Serb civilians in the area.¹⁷ Residents of the villages reported to Human Rights Watch/Helsinki that the harassment had stopped due to the presence of IPTF, and that they felt more secure since IPTF started patrolling.

It has become increasingly evident that in areas where IPTF has maintained sustained visibility, human rights abuses have significantly declined. The monitoring aspect of the mandate should therefore be given high priority by IPTF leadership. It is also critically important that IPTF be given, as an urgent priority, the basic resources indispensable to provide adequate monitoring. Well into the second half

¹³ This, in fact, is contrary to the stipulation of the Dayton agreement (see: Annex II, article IV.)

¹⁴ Human Rights Watch/Helsinki interviews, July 1996.

¹⁵ Human Rights Watch/Helsinki interview, June 25, 1996.

¹⁶ An area just north of the northeastern town of Zvornik.

¹⁷ On July 8, 1996, the IEBL Commission decided to shift the IEBL, thus transferring the villages of Nezuk, Zaseuk, Kovacevici, Mahmutovici, and Vitinica from Republika Srpska territory to Federation territory.

of IPTF's initial deployment, IPTF was still facing severe shortages of the most basic equipment needed to carry out the mandate and to assure a minimum of safety for its monitors.

- For example, IPTF in Sanski Most, when Human Rights Watch/Helsinki visited on July 14, had seventeen monitors and only two vehicles (one of which was on loan because the second vehicle was being repaired). The station had only two translators, no telephone, and no base radio. The station commander reported to Human Rights Watch/Helsinki that IPTF/Sanski Most was unable to perform its functions at even the most rudimentary level due to these resource problems. Human Rights Watch/Helsinki revisited the IPTF station in Sanski Most on September 14, only to find the monitors frustrated. One monitor stated, "I will never work for the U.N. again. They can't get it together."¹⁸ He stated that the lack of equipment in the field has "really hindered our work." As of September 14, there were fifteen IPTF officers in Sanski Most and two vehicles, both in poor condition. They had just received the base radio. One monitor said, "We are now where we should have been in March."
- When Human Rights Watch/Helsinki visited the IPTF station in Kiseljak in August, the station still did not have a telephone and thus, for example, could not receive faxes from the Sarajevo headquarters, or report in from the field in a timely manner.
- When we visited the IPTF station in Konjic on August 10, it happened to be the day when the station was able to send out its first fax ever. The station in nearby Jablanica had as of that same date no telephone and no fax. Its seventeen monitors had to share three vehicles and five interpreters. The IPTF station in Mostar, as of August 1, had thirteen monitors (out of the projected thirty-six) and only one vehicle.

IPTF AND ACCOUNTABILITY FOR PAST AND CURRENT ABUSES

Within the legacy that the international community is likely to leave behind in Bosnia-Herzegovina when it eventually withdraws, IPTF has a chance to make a crucial contribution. Among the tasks with which IPTF has been charged under the terms of the Dayton agreement and the subsequent resolutions of the Security Council, is assisting in the restructuring of local police and helping them to develop peacetime civilian policing capabilities. Local police who will be left in place after the departure of international forces will play a key role in the construction of a state of law in Bosnia-Herzegovina. Virtually every aspect of the future human rights situation in Bosnia-Herzegovina is likely to be affected by the new police force. The secretary-general in his June report on U.N. activities in Bosnia-Herzegovina pointed out both the importance of and the tremendous challenges involved in this aspect of IPTF's mandate:

Among the most difficult tasks in the peace process is to assuage the intense and widespread fear and desire for retribution resulting from a vicious conflict in which civilians were the principal targets and victims. It is in this function that the efforts of IPTF to shape a new concept of policing for the common good can make the most effective contribution. Under its present mandate, the efforts of IPTF can produce results only if the police forces in Bosnia-Herzegovina are receptive to the advice and training offered. If, instead of attempting to provide citizens of minority groups with some sense of security, police forces continue to discriminate against, harass and intimidate citizens who are not of their own ethnicity, the efforts of IPTF will have little chance of success. The restructuring of the police, undertaken under the guidance of IPTF, provides the opportunity to these police forces to develop a new democratic approach to their duties.¹⁹

Human Rights Watch believes that the critical element in the process of restructuring the police is eliminating from the force those responsible for gross human rights abuses. While civilians were the primary targets and victims of the conflict, members of police forces were often the chief perpetrators of the abuses. Furthermore, in the period following the cessation of hostilities, demobilized members of the military as well as former paramilitary militias have joined the police. It is therefore critical that thorough screening be conducted as part of the restructuring and abusers eliminated from the force. Any training or modernizing will be meaningless if individuals with abusive pasts are left within the force. In addition, efforts aimed

¹⁸ IPTF monitors in Zvornik told a Human Rights Watch/Helsinki representative on July 10, that their translators had been working since April and had still not been paid. One interpreter said she had not taken any days off because she has no money to do anything or go anywhere.

¹⁹ U.N. Doc. S/1996/460, paragraph 33.

at building confidence among the population—which the U.N. describes as its chief goal in Bosnia-Herzegovina—will be futile if the public is not assured that the new police has been purged of individuals who had in the past committed vicious acts against citizens.²⁰

One of the key elements of restructuring the police in Bosnia-Herzegovina is to reduce the size of the force. With some 20,000 members in the Bosnian-Croat Federation, and about 12,000 in Republika Srpska, almost half of the police force will have to be cut. Since the early months of its mandate, IPTF leadership has negotiated with both the Federation and the Republika Srpska governments regarding specific details of and the timetable for the upcoming restructuring. As a result, an agreement was reached with the Federation and the process envisioned is outlined below. As of this writing, however, no such agreement has been reached with the Republika Srpska authorities.

On April 25, the agreement on restructuring the police of the Federation was signed in Bonn between the president and vice-president and several high-level cabinet and police officials on behalf of the Federation, and Deputy Commissioner Robert Wasserman on behalf of IPTF. The signing was witnessed by Deputy High Representative Michael Steiner and Special Representative of the U.N. Secretary-General, S. Iqbal Riza. The agreement provides basic principles of police restructuring and stipulates that the process and its implementation will be further detailed in instructions to be issued by the IPTF commissioner. The agreement highlights the role of police in the protection of human rights. Its preambular paragraph states:

This agreement demonstrates our commitment to the developing of policing structures within the Federation which will support the democratic system and protect internationally accepted human rights and fundamental freedoms of all persons.²¹

Under the terms of the agreement and subsequent instructions issued by the IPTF commissioner, all police officers within the Federation must reapply for the job. This process is currently underway and is being conducted canton by canton. Officers are required to fill out a questionnaire that covers aspects of their professional and personal background. Candidates are then given a test administered by IPTF that covers a range of professional issues, as well as a psychological test. After the applications and test results are evaluated, IPTF creates an eligibility list from which the number of officers corresponding to the number of positions available is selected. To those officers, IPTF then issues temporary ID cards, and a final review will take place after three months. On IPTF recommendation, a police officer may be denied admission to the force.²² The April agreement also stipulates that individuals not selected for admission into the force as part of the restructuring process will not be allowed to perform law enforcement duties or carry arms.²³

Commissioner's Guidance and Commissioner's Guidance Notes, two documents issued by Commissioner Peter Fitzgerald in Sarajevo in May, spell out the basic elements of the implementation of the restructuring agreement signed in Bonn. The minimum criteria for applicants include the following:

- no record with the U.N. International Tribunal for the Former Yugoslavia;
- no allegation of human rights abuses as police officer; and
- no official complaints from U.N. IPTF for non-compliance.²⁴

The explicit acknowledgment that individuals with a history of human rights abuses have no place in the new police force is obviously a very important and positive step. Human Rights Watch/Helsinki is concerned, however, that unless IPTF undertakes an active information seeking effort and conducts thorough screening of all applicants, abusive police members will be left within the force. Our interviews in Bosnia-Herzegovina indicated that the screening element of the restructuring

²⁰ See instruction sheet "Organization, Role and Tasks, International Police Task Force United Nations Mission in Bosnia and Herzegovina," International Police Task Force, Sarajevo, May 25, 1996.

²¹ "The Agreement on Restructuring the Police, Federation of Bosnia and Herzegovina," Bonn-Petersberg, April 25, 1996.

²² Human Rights Watch/Helsinki interviews in Sarajevo IPTF Headquarters, with Deputy Commissioner Robert Wasserman, July 30, 1996, IPTF Director of Special Projects Horst Thiemann, August 1, 1996, and IPTF Commissioner Peter Fitzgerald, August 6, 1996.

²³ Paragraph 4 of the April 25, 1996 agreement reads: "We understand and agree that those persons who are not selected to serve as police in the restructured Federation police force will not be allowed to perform law enforcement duties and will not be permitted to carry arms. Those individuals discovered with arms who are not certified by the U.N. IPTF to serve as police will be treated by Implementation Force (hereinafter IFOR) as armed civilians to be seized and disarmed."

²⁴ Peter Fitzgerald, *Commissioner's Guidance Notes For Democratic Policing in the Federation of Bosnia and Herzegovina*, UNMIBH, IPTF, Sarajevo, May 1996.

process is not well known outside the U.N. community.²⁵ Meanwhile, police members have continued to commit abuses, and the population has continued to fear them.

Throughout the conflict, Human Rights Watch/Helsinki documented numerous abuses committed by police officers.²⁶ Following the signing of the Dayton agreement, police members have continued to commit human rights violations. In several instances, members of the police have also been guilty of violating the terms of the peace accord and actively sabotaging the peace process. There have also occurred frequent instances of non-cooperation with IPTF and several hostile acts aimed directly at IPTF. Eliminating abusive police members is crucial not only to introduce a sense of accountability but also because failure to do so will seriously undermine the peace process. Some recent examples suggest the risks of permitting impunity.

Abuses Against Civilians Perpetrated by Local Police or Failure by Police to Stop Abuses

In recent months, local police officers have perpetrated abuses against civilians, or failed—and in some cases outright refused—to intervene where abuses were being committed by others. Virtually as a rule in such cases, the victims were of a different ethnicity from the policemen.

- On July 29, at approximately 6:30 a.m. two off-duty IFOR personnel who were jogging toward the Usora bridge near Doboj spotted a Republika Srpska police car speeding away from the bridge. Moments later, near the bridge the IFOR personnel discovered a badly injured and unconscious older man (later identified as a Muslim). He had broken ribs, overall bruises, was bleeding from the nose, and his thumbs had been cut off. The victim died despite IFOR personnel's attempts to revive him with CPR. The man had crossed into Doboj from the Federation territory in order to visit his former home. The presence of the local police car on the scene moments before the victim was discovered by IFOR strongly indicates police involvement. Further evidence found on the scene indicated that the abuse took place at a different location and that the victim had been subsequently brought to and abandoned in the vicinity of the bridge.²⁷
- On July 31, in Banja Luka, Republika Srpska police arrested a local Muslim man on minor charges. The man, Hasan Kovacevic, died the next day while in custody. The police claimed that he had committed suicide by throwing himself out of the window, but the pathologist's report contradicted this claim: "He was beaten with a blunt instrument several times. The injuries he received could not possibly be caused by jumping out of a first floor window."²⁸ The International Police Task Force demanded an investigation and told the Banja Luka chief of Police, Stojan Davidovic, that the officers involved should be suspended immediately. Davidovic refused to suspend his men, stating that this was not required under the laws of Republika Srpska.²⁹

²⁵ Human Rights Watch/Helsinki presented a preliminary set of recommendations to the IPTF in a September 6, 1996 letter to Commissioner Peter Fitzgerald. In his response, dated September 18, 1996, Commissioner Fitzgerald stated that some of the measures recommended were already being implemented by IPTF.

²⁶ Human Rights Watch/Helsinki, (the following are short reports): "Bosnia-Herzegovina: Abuses by Bosnian Croat and Muslim Forces in Central and Southwestern Bosnia-Herzegovina," vol. 5, no. 18, September 1993; "The War Crimes Tribunal: One Year Later," vol. 6, no. 3, February 1994; "War Crimes in Bosnia-Herzegovina: Bosanski Samac, Six War Criminals Named by Victims of 'Ethnic Cleansing,'" vol. 6, no. 5, April 1994; "War Crimes in Bosnia-Herzegovina: U.N. Cease-Fire Won't Help Banja Luka," vol. 6, no. 8, June 1994; "Bosnia-Herzegovina: Sarajevo," vol. 6, no. 15, October 1994; "Bosnia-Herzegovina: 'Ethnic Cleansing' Continues in Northern Bosnia," vol. 6, no. 16, November 1994; "Former Yugoslavia: War Crimes Trials in the Former Yugoslavi?" vol. 7, no. 10, June 1995; "Bosnia-Herzegovina: The Fall of Srebrenica and the Failure of the U.N. Peacekeeping," vol. 7, no. 13, October 1995; "Northwestern Bosnia: Human Rights Abuses during a Cease-Fire and Peace Negotiations," vol. 8, no. 1(D), February 1996; "Bosnia-Herzegovina: Update: Non-Compliance with the Dayton Accords, Ongoing Ethnically-Motivated Expulsions and Harassment in Bosnia," vol. 8, no. 12(D), August 1996; and "Bosnia-Herzegovina: A Failure in the Making, Human Rights and the Dayton Agreement," vol. 8, No. 8(D), June 1996. (The following are book-length reports.) Human Rights Watch/Helsinki, *War Crimes in Bosnia-Herzegovina: Volume I*, (New York: Human Rights Watch, August 1992), and Human Rights Watch/Helsinki, *War Crimes in Bosnia-Herzegovina: Volume II*, (New York: Human Rights Watch, April 1993).

²⁷ Human Rights Watch/Helsinki interviews in Doboj/Teslic area, August 1996.

²⁸ "First floor" is used in the European meaning, i.e. the first floor above the ground floor (second floor in American meaning).

²⁹ Press briefings by IPTF, Sarajevo, August 7 and 8, 1996; Interoffice memorandum, IPTF, Banja Luka station, August 7, 1996.

- On April 25 Republika Srpska policemen beat up five Muslim men who returned to their homes in the village of Dugi Dio near Zvornik while they were repairing the road to the village.³⁰
- A Muslim man from the village of Gomjenica near Teslic, who fled his village on May 29, told Human Rights Watch/Helsinki that he had been repeatedly beaten by his Serb neighbors who wanted him to leave the village. He had initially sought help from the local (Serb) police, but, in his words, "The police just helped them [the civilians committing abuses] to do this."³¹
- For several months, numerous instances of harassment of the remaining Serbs took place in the suburbs of Sarajevo that had been transferred to the Bosnian government's control under the terms of the Dayton agreement. Bosnian police failed to intervene and take measures to stop the harassment. After a period of pressure from IPTF, in at least one suburb, Ilidza, the chief of police was replaced and the situation improved.³²
- According to IFOR representatives in Sanski Most interviewed by Human Rights Watch/Helsinki, in recent months there have been numerous incidents of arbitrary arrest and detention of Serbs in the Zone of Separation or while crossing the IEBL. Cases of beatings in detention in the Sanski Most jail have also been documented. According to the OSCE and IPTF, the police in Sanski Most have stated outright that anyone who tried to cross over would be taken in for questioning about war crimes.³³

Failure to Cooperate with IPTF and Instances of Non-Compliance on the Part of Local Police

Local police have frequently refused to cooperate with IPTF, ignoring its requests for documents, denying it access to police stations, refusing to share information regarding investigations in progress, and more. In addition, local police have in many instances violated the terms of the Dayton accord by engaging in activities specifically banned by it, such as establishing road checkpoints.³⁴

- In a highly publicized case, known as the "Zvornik Seven," IPTF came under intense criticism for failing to accompany detainees, who were then reportedly abused in detention by Bosnian Serb police, after having been handed over to them by IFOR. As of this writing, all but one of the men remain in a Bosnian Serb prison and are scheduled to be tried by a local court. This case deserves attention in the context of examining the performance of the local police, because it provides an example of serious non-compliance with the Dayton agreement and refusal to cooperate with IPTF by the Bosnian Serb police.
- On May 10, 1996, seven camouflaged Muslims handed themselves over to American IFOR troops in the woods near Zvornik, in Republika Srpska territory. They were apparently armed with handmade explosives, and claimed to have been hiding in the woods since their escape from Srebrenica ten months earlier. American IFOR, despite IPTF objections, handed the men over to the Republika Srpska police, who by this time had also arrived on the scene, claiming that the men were civilians and that therefore the issue was one between IPTF and the local police. The Bosnian Serb police took the men to the Zvornik police station. IPTF followed, was present until 9:30 p.m. in the police station, but then left.
- During that night the men were beaten and confessions were forcibly obtained from them. Four of them confessed to murders of four Serbs. In violation of the provisions of the Dayton agreement, IPTF was repeatedly denied access to the police station and the place where the men were detained. During the subsequent several days, IPTF was also denied any participation in the investigation, and on various occasions the local police either lied to them or misled them. All except one of the men (who was released within the past month) are currently in prison in Bijeljina. They are to be tried in a Republika Srpska court and defended by a Republika Srpska-appointed lawyer.
- The town of Prijedor, in Republika Srpska territory, is notorious not only because of the concentration camps that were located there and the fact that it was the scene of some of the most brutal "ethnic cleansing" carried out during the war, but also because of the post-war recalcitrance on the part of local authorities to respect the Dayton agreement.

³⁰ For more information, see Human Rights Watch/Helsinki, "Bosnia-Herzegovina Update: Non-compliance with the Dayton Accords-Ongoing Ethnically-Motivated Expulsions and Harassment in Bosnia," A Human Rights Watch Short Report, vol. 8, no. 12, pp. 11-12.

³¹ Ibid., p. 6.

³² Ibid., and Human Rights Watch/Helsinki interviews, August 1996.

³³ Human Rights Watch/Helsinki interviews, July 1996.

³⁴ Dayton agreement, annex 1-A, article VI, paragraph 9(a).

- According to IPTF officers in Prijedor, local law enforcement authorities have failed to cooperate with them on almost every issue. IPTF is frequently denied access to police stations and is not involved in supervision, training, or assisting the local law enforcement authorities due to a lack of cooperation by the local authorities. This has seriously hampered the fulfillment of IPTF's mandate with respect to monitoring and observing. For example, during the week of June 12, IPTF was denied access to both the Traffic Police Station and Police Station #2 in Prijedor, by police officers who refused to give their names and who did not wear name tags. Joint patrols in Prijedor between the local police and IPTF did not take place until the second week in May, and as of the time of our interview, were still irregular.
- Prijedor's police chief, Simo Drljaca, has a long record of abuse. Drljaca controlled the civil police and "special police forces" during the Serb takeover of the Prijedor area in April 1992. Drljaca was directly involved in setting up the infamous camps around Prijedor, according to the War Crimes Commission, the investigatory body which preceded the International War Crimes Tribunal for former Yugoslavia (ICTY).
- IPTF in the Croat-controlled town of Kiseljak receives little or no cooperation from local police. For example, after a shooting incident in which two American citizens who were shot and injured while driving their car on July 12, the head of police, Mladin Tolo, refused to share files of his investigation of the incident with IPTF until an intervention by a U.S. diplomatic representative.³⁵ Furthermore, Ivica Rajic, a Croat indicted for war crimes by the ICTY, reportedly lives in Kiseljak. Local police authorities have failed to hand him over to the Hague, in violation of the Dayton agreement.
- When informed in March by IPTF of the rules making road checkpoints illegal, Banja Luka chief of police Stojan Davidovic told IPTF that, "the police will not give up—we want to know how many Muslims are entering our area." Most recently, following the beating to death of a Muslim man in Banja Luka police custody (see above), Davidovic told IPTF monitors that the police had suspects in the case but refused to provide their names.
- Capljina's chief of police has required that groups of persons traveling by bus provide twenty-four hours notice and a list of all persons in the group. The police in Capljina have asserted their intention to refuse passage to persons who are suspected of criminal activity during the war, or persons who cannot prove their identity. The Dayton agreement does not permit the obstruction of freedom of movement based upon identity documents.
- In the period leading up to the elections, local police chiefs on the Republika Srpska territory repeatedly informed IPTF that they "could not" provide security for voters coming from the Federation territory (veiled threats of violence aimed at discouraging voters from coming to vote, in blatant violation of the Dayton agreement).³⁶
- On August 16, Prijedor police chief Simo Drljaca told IPTF "We do not have anything against Muslims but we do not want them to come here to vote." He said that Muslims should only be allowed to vote only in designated polling stations near the IEHL. "If Muslims are allowed to vote in all of the 86 polling stations in Prijedor there will be no elections. Do you want another war?"
- Koraj Chief of Police Branko Jekic had made several statements (in July, on August 7 and on August 26) implying that the safety of Muslim voters would not be assured during elections.³⁷
- Banja Luka Chief of Police Stojan Davidovic told IPTF on August 20 that even though he issued an instruction to police officers under his command to step up cooperation with IPTF in relation to the elections, "the possibility of provocations and incidents can not be excluded."³⁸

Threats Against and Acts of Hostility Toward IPTF by Local Police

Local police on several occasions threatened IPTF monitors or perpetrated acts of violence and open hostility. For example:

³⁵ Human Rights Watch/Helsinki interview, Kiseljak, August 5, 1996.

³⁶ Inter-Agency document issued by the Office of the High Representative and leaked to Human Rights Watch/Helsinki, August 1996.

³⁷ Ibid.

³⁸ Ibid.

- The chief of police in Pale declared in July that IPTF monitors would be taken hostage if the Bosnian Serb leader, indicted war criminal Radovan Karadzic, were arrested.³⁹ Pale is the town where Karadzic is reported to be living.
- Also in July, the West Mostar (Croat-controlled) police chief arrested the Bosnian chief of police from Jablanica who had been invited to a meeting with the Mostar official. He made threats against IPTF monitors who intervened on behalf of the arbitrarily detained man. Subsequently, IPTF demanded the dismissal of the West Mostar police chief, and he indeed was removed from his post.⁴⁰
- Two senior Bugojno (Bosnian) police officers in July threatened to "arrest, kidnap and shoot IPTF monitors" when IPTF tried to protect a Croat family from being evicted. IPTF demanded the dismissal of the two police officers.⁴¹ As of this writing, it is unclear whether this demand has been met.
- On August 29 a group of Muslims who returned to their homes in a largely destroyed and abandoned village of Mahala, near Zvornik, on the Republika Srpska territory, was attacked by some fifty Serbs, some of them police officers. The Serbs fired weapons into the air and attacked Muslims with clubs, leaving at least ten people seriously wounded. The attack was stopped by NATO forces, who arrived at the scene and detained forty-six Bosnian Serbs, including several Serb police officers.
- In retaliation, that evening about one hundred Bosnian Serbs, some carrying weapons, surrounded the IPTF station in Zvornik, with five IPTF monitors and four other civilian U.N. staff members inside. Two Russian U.N. police monitors who went outside were assaulted by the local police and forced back inside. A U.N. civil affairs officer was punched and kicked as he attempted to leave the station. Another civil affairs officer was pulled out of his car and taken to a Bosnian Serb police station. A small explosive device was then put in his car and detonated, destroying it completely. Three other U.N. vehicles were badly damaged and one more was lightly damaged.⁴²

Secretary-General Boutros Boutros-Ghali, in his June report on the U.N. presence in Bosnia-Herzegovina cautioned:

If, instead of attempting to provide citizens of minority groups with some sense of security, police forces continue to discriminate against, harass and intimidate citizens who are not of their own ethnicity, the efforts of IPTF will have little chance of success.⁴³

The international community can potentially play a crucial role in assuring not only that the human rights situation in Bosnia-Herzegovina has a chance to improve, but in seeing that its own creation, IPTF, is successful and that the resources that went into its establishment are not wasted. While the running of the police will ultimately be the responsibility of the local government, the international community currently has the leverage to help make sure that those guilty of human rights abuses are excluded. United Nations member states that have indicated their willingness to contribute funds to the restructuring of the Bosnia and Herzegovina police must make sure that no funds are disbursed before the thorough screening of all applicants has taken place.

Senator LUGAR. Thank you very much for your testimony, Ms. Paul. Ms. Woodward.

STATEMENT OF SUSAN WOODWARD, SENIOR FELLOW, FOREIGN POLICY STUDIES PROGRAM, BROOKINGS INSTITUTION, WASHINGTON, DC

Ms. WOODWARD. Thank you, Senator Lugar. Thank you for your invitation today. I appreciate especially your efforts to create an ongoing public debate about these serious issues for American policy and interests involved in the Bosnian peace implementation.

³⁹ Information sheet provided to the press by the office of the spokesman for the secretary-general, August 1, 1996.

⁴⁰ Human Rights Watch/Helsinki interviews in Konic, Jablanica and Mostar, August 1996; Human Rights Watch/Helsinki phone interview with IPTF press office in Sarajevo, September 12, 1996.

⁴¹ Daily press briefing of the office of the spokesman for secretary-general, July 30, 1996.

⁴² Daily press briefing of the office of spokesman for secretary-general, August 30, 1996.

⁴³ See footnote 18.

It seems to me that the American public really should know what Secretary Kornblum told us this morning. I think they would be proud of what we are doing. It is much more complex and difficult than they may well know. Also, their support is going to be absolutely essential to this follow-on force. Without it, it will not happen, and then we really do worry about reproducing the Vietnam syndrome.

But may I also add, having heard you again this morning, that we need more spokesmen, as you have demonstrated this morning, about why these issues are really important. I was really warmed to hear it.

Senator LUGAR. Thank you.

Ms. WOODWARD. Let me start off by saying that the elections in Bosnia produced what we expected. The population in large part—not entirely—do not yet believe that the Dayton Accord settles the political issues that caused the war. Their vote for the ruling parties and the wartime leadership demonstrates in part how much hold those parties still have over information, jobs, and housing, and in part how low are peoples' expectations that their future is safe and secure now. They voted loyalty over interest. It was an expression of insecurity about the still fundamental questions.

Over the next 3 months, according to the Dayton deadlines, the newly elected leaders must now find answers to those questions that led to war in the first place. We are now beyond the ceasefire stage.

In October, the creation of an all-Bosnia government and its implications for the political and economic order of the country is challenged on the one hand by renewed speculation that there has been another secret agreement between Tudjman and Milosevic, in Greece, to keep those institutions weak. Zubak and Krajisnik have, in fact, been meeting together without Izetbegovic over the last several weeks. It is also challenged by doubts over whether President Izetbegovic can find a *modus vivendi* with his Serb and Croat counterparts. Their objectives are not the same.

Then in November, municipal elections—if we go ahead with the elections date as they have already been announced in Bosnia—must achieve the transfer of power from wartime to peacetime leadership at the crucial local level, with direct consequences for multipartyism and political plurality, for police reform, and for the return of refugees. Diane Paul has outlined very well the problems that will be faced at that level, and the German effort to begin sending refugees back, that we mentioned this morning, is to start today.

Third, in December, if not before, as we heard this morning, arbitration on the one territorial issue that Dayton negotiators could not resolve—the Brcko corridor—must be announced. That is an issue that the Serbs consider a matter of life and death for the Republika Srpska and that Muslims consider the test of a unitary Bosnia and the liberation of territory they do not now control.

Each of these three issues—common institutions, municipal elections, and the arbitration—are so critical to the political fate of Bosnia that they could easily trigger fighting again.

On the common institutions, already we have seen the disagreements over common institutions within the Muslim-Croat federa-

tion. The same issues have been the source of current preoccupation in the capital in Sarajevo and in much of Bosnia, that there will definitely be renewed war between Muslims and Croats in order to solve those disagreements about common institutions with separation as soon as international forces leave. And, of course, at that point, then many Bosnian Serbs hope that they will find the opportunity to take back places like Drvar, Glamoc, and Grahovo.

Second, the municipal elections will likely result in arrangements to increase ethnic political homogeneity, as we saw in the Neretva canton shift in the Federation. What was 50/50 Muslim/Croat is now very predominantly Croat, as a way of reducing one of the 2 remaining mixed cantons in the Federation.

These elections on the municipal level will increase the danger, therefore, in my view, of violent confrontations over any attempts at large-scale—not individual household, which is, in fact, wished—but large-scale return of refugees and displaced persons to their 1991 homes. Already we see that villages in the zone of separation and near the inter-entity boundary line, where no police or military units are allowed by the Dayton Accord, have been seeing rising incidents of violence and demands that IFOR do something to protect these people.

Third, each side is prepared for war if they lose the arbitration decision at Brcko.

The main task in my view in the next 3 months of IFOR and civilian implementation organizations is to make sure that these fundamental political issues take place peacefully.

At the same time, I would like to point out another development which is taking place in Bosnia. The extremely successful IFOR mission has moved NATO a large step toward a post-cold war security organization in Europe, including actual cooperation on the ground between NATO and the Partnership for Peace aspirants and between NATO and Russia.

The decision last week in Washington and in Bergen to begin the final planning for a follow-on force to replace IFOR was extremely welcome. It appears to continue American commitments to European security, but it also takes the next step of NATO reform by creating one of the 3 divisions of the 1997 force, a joint French-German-Belgian-Spanish command, that works out the European pillar of NATO and a WEU-led possibility for a CJTF, that will enable Europe to take greater responsibility in the future for nonarticle 5 operations without the need for U.S. participation. I think many members of Congress might be pleased to hear that that has been the result.

Moreover, without a follow-on force, as we have heard this morning, the military success of IFOR and of NATO will simply be forgotten in the violence that is likely to erupt as a vacuum is left by the withdrawal of IFOR.

Let me then take a few minutes to mention some of my comments as a result of what I have heard this morning. It seems to me very clear that what was said demonstrates how important a strong military presence is for another 2 years: the weapons that continue to be available and of interest to the parties until a political agreement about the country is resolved; the reform of the po-

lice, absolutely critical, that is being done by IPTF; the return of people to their homes; and, above all, human rights issues.

But, therefore, we need a very clear strategy for diminishing the necessity of that military force after 2 years. What I heard this morning is disturbing in the following instances.

We are offering for development and economic reconstruction, not fresh money, which is needed to get the economy going again, but simply technical advice to people who already know how to operate a market economy. We are talking about training and equipping the federation army in the same language we always have, and that does not in any way contribute to the confidence-building measures among the parties.

Third, I heard frequently the argument that it is in the interests of the parties to go toward peace. The parties want peace and they want cooperation. Well, who are these parties?

These are no longer the parties to an agreement. These are political parties who have political interests who have won an election. It is not the people, or the opposition parties, or the business people whom we are talking about. We are talking about donors going through the central institutions of these three ruling political parties.

Next, international control of the central bank that we heard about today is, in fact, according to Dayton, to be under a currency board scheme which, in fact, deprives the Bosnians of any monetary policy and, therefore fiscal policy, for 6 years—not an effort to hand back to them responsibility for their country.

Finally, the efforts by the International Police Task Force to be improved under, among other things, Mr. Gelbard's effort, is, as we heard this morning, to be under the same mandate but with better resources. This is a real improvement.

In fact, what we know is that the police at the local level—and the task of IPTF is to reform the police, the community structures—are now becoming what they were before the war, instruments of political parties and, additionally, reserve forces for the demobilized armies on all sides.

Let me conclude by saying that if the NATO side of this deployment is to be a success, then we will have to have not only a follow-on force but support of the American people and the Congress to remain until those political issues are resolved. The sooner we allow the people and leaders of Bosnia to determine their internal fate, within the recognized borders of the country, and the more that an improved organization on the international side provides the effective human rights monitoring, deterrence to renewed war, and microlevel security that we need in 1997 and 1998, the faster our exit will be. Thank you, Mr. Chairman.

[The prepared statement of Ms. Woodward follows:]

PREPARED STATEMENT OF SUSAN L. WOODWARD

POST-ELECTION PROSPECTS FOR PEACE IN BOSNIA AND HERZEGOVINA

Senator Lugar, members of the committee, thank you for your invitation to participate in your ongoing effort to create a public debate about the serious issues for American policy and interests involved in the Bosnian peace implementation. Let me state the necessary formality: I appear here as an individual scholar, and do not represent the views of the Brookings Institution or any group of people.

The elections in Bosnia produced what we expected. The population, in large part, do not yet believe that the Dayton accord settles the political issues that caused the war. Their vote for the ruling parties and wartime leadership demonstrates in part how much hold those parties have over information, jobs, and housing and in part how low are peoples' expectations that their future is safe and secure. They voted loyalty over interest. Opposition candidates gained most votes from minorities. And the dominant talk in Bosnia today is about the renewed war that everyone expects between Muslims and Croats.

The deadlines of Dayton continue. With the elections over, the ceasefire stage of that agreement ends, and the serious business of ending the war begins. The newly elected leaders must now deal with, over the next three months, the fundamental questions that led them to war:

- in October, the creation of an all-Bosnia government and its implications for the political and economic order of the country, now challenged by speculation that there has been another secret agreement in Greece between Tudjman and Milošević to keep those institutions weak—Bosnian Serbs call it a “thin roof”—and by doubts over whether President Izetbegović can find a *modus vivendi* with his Serb and Croat counterparts;

- in November, the transfer of power from wartime to peacetime at the crucial local level with municipal elections, including their direct consequences for multipartyism and political freedom, for police reform, and for the return of refugees; and

- in December, arbitration on the one territorial issue that Dayton negotiators could not resolve, the Brčko corridor, which Serbs consider a matter of life and death for the Republika Srpska and which Muslims consider the test of a unitary Bosnia and the “liberation” of territory they do not now control.

Each of these three issues is so critical to the political fate of Bosnia that it could easily trigger fighting again.

Common institutions are essential to the program for economic reconstruction and the legislation necessary to create a functioning economy, including a central bank, foreign trade, privatization, and revenues for defense, administration, and welfare. Disagreements over such institutions within the Muslim-Croat federation are the source of current preoccupation with the threat of renewed war, to solve those disagreements with separation as soon as international forces leave (and an opportunity that Bosnian Serbs would find difficult to resist in their hopes of regaining Serb majority towns lost at Dayton).

Municipal elections, as occurred in the September cantonal elections in the federation, will likely result in arrangements to increase ethnic political homogeneity. This will increase the danger of violent confrontations over any attempts at large scale return of refugees and displaced persons to their 1991 homes. Already villages in the zone of separation and near the inter-entity boundary line, where no military or police units are allowed, have seen rising incidents of violence and demands that IFOR do something.

And all sides are prepared for war if they lose the arbitration decision at Brčko.

Each of these tasks in the last three months of this mission therefore faces IFOR and the civilian implementation organizations with new and tough challenges to make sure these fundamental political issues are decided peacefully.

At the same time, it is important to notice another development taking place in Bosnia. The extremely successful IFOR mission in NATO's virgin non-Article-5 deployment has moved the alliance a large step toward a post-cold war security organization for Europe, including the actual cooperation on the ground between NATO and the Partnership for Peace aspirants and between NATO and Russia. The decision last week in Washington and in Bergen to begin final planning for a follow-on force to replace IFOR was extremely welcome. It appears to continue American commitment to European security and the transatlantic partnership. It takes the next step of NATO reform by creating a joint French-German-Belgian-Spanish command in the third division of that 1997 force, working out the European pillar of NATO and a WEU-led CJTF that will enable Europe to take greater responsibility for non-article 5 operations without U.S. participation. Without a follow-on force, moreover, the military success of IFOR will be forgotten in the violence that is likely to erupt as the withdrawal of IFOR leaves a vacuum for the conflicts that I outlined earlier.

If the NATO side of this deployment is to be a success, including the opportunity it is providing to force and implement a new European security order, then IFOR in the next three months and IFOR in 1997 will have to take on and succeed at the far more difficult and unconventional tasks that it now faces. And it will have to have the support of the American people and the Congress to remain until those

political issues are resolved. The sooner we allow the people and leaders of Bosnia to determine their internal fate, within the recognized borders of the country; and the more that an improved organization, resources, and mandate for peace implementation during 1997 and 1998 provides the effective human rights monitoring, deterrence to renewed war, and micro-level security while those issues are being resolved, the faster our exit will be.

Senator LUGAR. Thank you very much, Ms. Woodward. Mr. Fox, would you give your testimony, please.

**STATEMENT OF JOHN FOX, WASHINGTON REPRESENTATIVE,
OPEN SOCIETY INSTITUTE, WASHINGTON, DC**

Mr. Fox. Thank you, Mr. Chairman. I would like to join in the thanks of my fellow panelists and I think of the nongovernmental sector for the leadership that you and the committee and subcommittee have shown on this issue, indeed on issues in the region that we are all concerned with.

The administration has been sharply and rightly criticized for ratifying ethnic cleansers and their crimes by accepting unfree and unfair elections as democratic and also for increasingly accepting nationalists as our de facto partners on the ground.

This got so bad in the recent election campaign that Arkan, who is one of the most notorious war criminals of the last 5 years of the Balkan wars, was actually given a quarter million dollars in U.S. taxpayer and European funds to conduct his party's campaign for secession and ethnic purification in Republika Srpska. This is a man who was named by the last Secretary of State as a war criminal.

This was not an aberration. This was policy. I think it illustrates how far down the road the administration has gone in accepting the wrong people as partners in Bosnia. It is one thing to deal with what is on the ground; it is another thing to legitimate it and to fortify it. And that is, indeed, what these elections have done.

I think no official in any administration has an interest in having this defining chapter of American foreign policy entitled "Dancing with War Criminals." It really is time for the administration to stop colluding in the violation of international democratic norms, to stop railroading antidemocratic practices, to stop rewarding the wrong forces in Bosnia and in the region.

I would like to talk a little bit about how policy could shift.

The place to begin a more defensible U.S. policy consistent with American values and interests is by, indeed, postponing the municipal elections at least until the spring. This move would be strongly supported by most experts and officials on the ground. In justifying the postponement of the local elections from September to November, Assistant Secretary Kornblum himself cited "serious and massive irregularities," including major registration fraud.

None of these conditions will be corrected by November, according to the OSCE experts, nor will freedom of movement, of association and of media be assured by November.

I think certainly we would endorse the Human Rights Watch view on not lifting, not permanently lifting the sanctions on Yugoslavia and Republika Srpska at least until municipal elections and see how those are conducted, particularly since President Milosevic assured that the elections could not be free and fair by engineering this registration scam.

Mr. Chairman, you will find near unanimity among nongovernmental organizations, like our own, that have worked actively on the ground in Bosnia in recent years that the U.S. led international force must stay on and a strong U.S. leadership role must continue, although we would argue with significant changes.

At this juncture, as at earlier critical points, there is no shortage of voices urging the U.S. to accept partition and the results of genocide, to withdraw and adopt a "just say yes" approach to ethnic cleansing. That policy was tried for 4 years by two administrations, and it brought calamitous results for U.S. interests and for the peoples of the region. If we wish to bring back America's and the world's Balkan nightmare, then withdrawal of the international forces is the quickest way to do it. We should never forget how far the Balkan wars had advanced or how severe was the damage to the U.S. and to NATO when the limited Western intervention was finally made in 1995.

Ratifying the war criminals and getting out now would, however, require another dangerous step, and that is accepting the creation of Greater Croatia and Greater Serbia. There is very good reason to think that, unless we wish to see a Gaza Strip full of embittered refugees near the heart of Europe for the next generation, an authoritarian Islamic rump state operating probably as an import-export base for terror in Europe and elsewhere, then the U.S. and Europe really need to invigorate the effort to achieve a unified Bosnia now.

The decision is not, in fact, between partition and some kind of perfect multiethnic society, but, rather, for a framework for co-existence and cooperation within Bosnia-Herzegovina. But in order to support a continued U.S. deployment, which would be necessary through the next Bosnian elections in 2 years under Dayton, the revised mission cannot be limited to separation of hostile forces and self-protection of international forces.

In the second phase of Dayton, this would reduce American troops to little more than what a member of your distinguished panel has called "apartheid cops." If the provisions of Dayton, including common institutions, are to work, freedom of movement simply must be assured for ordinary citizens, not for war criminals. Without freedom of movement, local elections will fortify, rather than dislodge, the ethnic cleansers and hard-line nationalists in power. Without freedom of movement, economic recovery and cooperation will be impossible.

Ironically, I would say without freedom of movement, U.S. troops will probably be on the ground in Bosnia for many, many years to come.

Therefore, on the basis of corrected voter registration lists, a primary task of any international follow-on force should be to provide security for local electoral campaigns and voting, to be held successively by sub-region over several months. IFOR convincingly demonstrated that it can provide such security without incident in Mostar, which certainly was one of the toughest local cases, and could do so again. This would be a practical, manageable way to promote moderate outcomes and leadership in Bosnia.

This effort should be made in conjunction with greatly expanded investigations, indictments, and trials of suspects by the International War Crimes Tribunal at The Hague.

The international follow-on force could then work with newly elected local officials to help install police forces that could insure continued freedom of movement, including for returning refugees, and the economic activity that would accompany that freedom of movement.

If prosecuted sector by sector and tied to concerted cut-off of international assistance to noncooperating municipalities, this approach could bring back cooperation from below, from the local level, building to national elections in 2 years. This effort should be linked to greatly increased international initiatives to strengthen civil society and the legitimate private sector.

Far too much U.S. and international assistance is channeled through the government in Bosnia, and I certainly agree with Susan Woodward's point, and now through the political parties, the ruling parties in Bosnia. This contradicts the lessons and practice of assistance to most other post-Communist countries in the region.

Another important extension of freedom of movement would be for NATO to protect an open trade corridor between Bosnia and Croatia, which would be a major boost to economic cooperation with Europe and among ethnic groups, including the people in Banja Luka, whose natural trade patterns are to the north and west, while undercutting the power of nationalist mafias to collect customs and block legitimate trade. It is also imperative for any follow-on force to apprehend indicted war criminals, as has been stressed by others in this room, as many serving officers are ready and I think willing to do.

Like the NATO air strikes when they finally came, this move would enhance Western credibility in the region and greatly advance the building of peace on the ground. The U.S. should lead the international community in a two-pronged approach on apprehension and surrender, making full use of the legally mandated denial of international financial institution resources to governments of Serbia and Croatia that harbor war criminals, as provided for in the Foreign Assistance Act. I would recommend that that language be extended to cover Republika Srpska in the next Foreign Assistance Act.

Finally, to maintain a unified Bosnia and a stable Balkan region, Bosnia must be treated not in isolation but in strict relation to its predatory neighbors, Croatia and Serbia. It is past time for the U.S. to heed the lessons of our success in supporting democracy in Eastern Europe, rather than to repeat the mistakes of past policies in other regions. This means the U.S. must not rely exclusively on two authoritarians, Tudjman and Milosevic, who are responsible, certainly, for more than enough ethnic cleansing and attempts at annexation.

Under Dayton, the United States has acted as the primary legitimator for these two anti-democratic regimes, both in the symbol and the substance of our relations. But America requires a sounder, broader basis for a balanced engagement in the Balkans. The United States needs to invest in a democratic future for the region, rather than only in the authoritarian option.

In conclusion, the United States needs to adopt a forthright, 2-track approach to dealing with authoritarians, as we did in Poland 10 years ago. We said then to General Jaruzelski that the international community will normalize relations with you as much as you normalize your relations with your people. That meant strict conditionality on all U.S. and international institutions' relations with Poland, and was dependent on respect for human rights for the political opposition, media, and independent sector to operate freely and openly. It also meant strong and unequivocal U.S. diplomatic and material support for the democratic opposition and independent sector, which are sorely lacking in U.S. policy in Croatia and Serbia.

If the international community is serious about fulfilling Dayton, rather than dancing with dictators, it can also use the international financial institutions as very effective arms reduction agents, as was the case in Russia, and can strictly police Croatia's and Serbia's cross-border expenditures that support unauthorized military security and administrative structures for Greater Croatia and Greater Serbia. These would be treated as program busting missions or costs outside the national budget in the same tough way that the IMF would treat subsidies to any state industry or non market energy pricing, for example.

This is very doable. It is a question, I think, of people focusing, and it would contribute significantly to maintaining a unified Bosnia in conjunction with some of the international financial policies that are being pursued on Bosnia.

So there is considerable leverage to achieve Dayton's aims and American interests if there is the will to use it. Without such purpose and resolve, the administration and, indeed, Congress will effectively restrict U.S. and NATO forces to the indecent function of apartheid cops, after all.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Fox follows:]

PREPARED STATEMENT OF JOHN FOX

Mr. Chairman, members of the Committee: The Administration has been sharply and rightly criticized for ratifying ethnic cleansers and their crimes by accepting Bosnia's unfree and unfair elections as democratic—and for increasingly accepting the ultra nationalists as our de facto partners on the ground. The policy is so bad that the political party of Arkan (a.k.a. Zeljko Raznjatovic)—who was named by the last Secretary of State as a notorious war criminal responsible for some of the worst crimes against humanity in Europe in 50 years—received a quarter million dollars in US taxpayer and European official funding to campaign for ethnic purification and secession, courtesy of the OSCE elections administration run by an ex-US ambassador and closely overseen by the State Department. No official wants in any administration could want this defining chapter of American foreign policy to be entitled "Dancing with War Criminals." It is time for this Administration to stop colluding in the violation of international norms, stop railroading anti-democratic procedures, stop rewarding the wrong forces in Bosnia and in the region.

The place to begin a more defensible US policy consistent with American values and interests is by postponing Bosnia's local elections until the spring. This move would be strongly supported by most experts and officials on the ground, and has been recommended by OSCE elections monitor head Eduard van Thijn. In justifying postponement of local elections from September to November, Assistant Secretary Kornblum cited "serious and massive irregularities" including major registration fraud. None of these conditions will be corrected by November, nor will freedom of movement, association, and media be assured.

Mr. Chairman, you will find near-unanimity among non-governmental organizations like our own that have worked actively on the ground in Bosnia in recent

years: the US-led international force must stay on, and the strong US role must continue—although we would argue with significant changes. At this juncture as at earlier critical points, there is no shortage of voices urging the US to accept partition and the results of genocide, to withdraw and adopt a “just say yes” approach to ethnic cleansing. But that policy was tried for four years by two administrations, and it brought calamitous results for US interests and for the people of the region. If we wish to bring back America’s and the world’s Balkan nightmare, withdrawal of the international force is the quickest way to do it. We should never forget how far the Balkan wars had advanced, and how severe was the damage to NATO and US leadership, when the limited Western intervention was finally made in 1995.

Legitimizing the war criminals and then getting out would require another dangerous next step—accepting the creation of Greater Serbia and Greater Croatia. There is very good reason to think that unless we wish to see a Gaza Strip fall of embittered refugees near the heart of Europe, an authoritarian Islamic rump state operating as a European import-export base for terror, the US and Europe need to invigorate the effort to achieve a unified Bosnia now. The decision is not between partition or a perfect multiethnic society, but rather for a framework for coexistence and cooperation within Bosnia-Herzegovina.

But in order to support a continued US deployment that is necessary through the next Bosnian elections in two years under Dayton, the revised mission cannot be limited to separation of hostile forces and self-protection of the international force. In the second phase of Dayton this would reduce American troops to little more than what a member of your distinguished panel has called “apartheid cops.”

If the provisions of Dayton are to work, freedom of movement must be assured for ordinary citizens, not for war criminals. Without freedom of movement, local elections will fortify rather than dislodge the ethnic cleansers and hard-line nationalists in power. Without freedom of movement, economic recovery and cooperation will be impossible. And ironically, without freedom of movement, US troops will probably be on the ground in Bosnia for many years to come.

Therefore, on the basis of corrected voter registration lists, a primary task of any international follow-on force should be to provide security for local electoral voting and campaigns, to be held successively by sub-regions over several months. IFOR convincingly demonstrated that it can provide such security without incident in Mostar, one of the toughest cases in Bosnia, and could do so again. This would be a practical, manageable way to promote moderate outcomes in Bosnia. This effort should be made in conjunction with greatly expanded investigations, indictments and trials of suspects by the International War Crimes Tribunal at The Hague.

The international follow-on force could then work with newly elected local officials to help install police forces that could ensure continued freedom of movement, including for returning refugees. If implemented sector by sector and tied to concerted cut-off of international assistance to cooperating municipalities, this approach could bring back cooperation from the local level, building to national elections in two years. This effort should be linked to greatly increased international initiatives to strengthen civil society and the legitimate private sector. Far too much US and international assistance aid channeled through the government in Bosnia, contradicting the lessons and practice of assistance to most other post-communist transition countries. Another important extension of freedom of movement would be for NATO to protect an open trade corridor between Bosnia and Croatia, which would be a major boost to economic cooperation with Europe and among ethnic groups (including Banja Luka) while undercutting the power of the nationalist mafias to collect customs and block legitimate trade.

It is also imperative for any follow-on force to apprehend the indicted war criminals—as many serving officers are ready to do. Like the NATO air strikes when they finally came, this move would enhance Western credibility and greatly advance the building of peace on the ground. The US should lead the international community in a two-pronged approach on apprehension and surrender, making full use of the legally mandated denial of international financial institution resources to governments that harbor war criminals, as provided for in the foreign Assistance Act.

Finally, to maintain a unified Bosnia and a stable Balkan region, Bosnia must be treated not in isolation but in strict relation to its predatory neighbors, Croatia and Serbia. It is past time for the US to heed the lessons of its success supporting democracy in Eastern Europe rather than repeat the mistakes of past US policy in other regions. That means the US must not rely exclusively on two authoritarians, Tudjman and Milosevic, who are responsible for more than enough ethnic cleansing and attempts at annexation. Under Dayton, the US has acted as the primary legitimator for these two anti-democratic regimes both in the symbol and substance of its relations. But America requires a sounder, broader basis for its balanced en-

agement in the Balkans. The US needs to invest in a democratic future for the region rather than only in the authoritarian option.

The United States needs to adopt a forthright two-track approach to dealing with authoritarians as we did in Poland 10 years ago. We said then to General Jaruzelski: the international community will normalize relations with you as much as you normalize relations with your own people. That meant strict conditionality on all US and international institutions' relations, dependent on respect for human rights and for the political opposition, media, and independent sector to operate freely. That also meant strong US diplomatic and material support for the democratic opposition and independent sector, which are sorely lacking in US policy in Serbia and Croatia.

If the international community is serious about fulfilling Dayton rather than dancing with dictators, it can also use the international financial institutions as very effective arms reduction agents, and can strictly police Croatia's and Serbia's cross-border expenditures that support unauthorized military, security, and administrative structures for Greater Croatia or Greater Serbia. These would be treated as program-busting emissions outside the national budget in the same tough way the IMF would treat subsidies to state industry or non-market energy pricing.

There is considerable leverage to achieve Dayton's aims and American interests if there is the will to use it. Without such purpose and resolve, the Administration and Congress will effectively restrict US and NATO forces to the indecent function of apartheid cops after all.

Senator LUGAR. Thank you very much, Mr. Fox.

Mr. Fox, you have centered your remarks, as did Ms. Paul, on the apprehension of war criminals. Both of you suggest for a variety of reasons, but for one in particular, that economic assistance, investments, or other assistance be withheld until the war crimes issue is squared away.

Earlier we heard testimony about the difficulty of apprehending the war criminals and, specifically, that the IFOR commander has that option. But he has not exercised it. For common sense reasons that were offered, the suggestion was that it would have led to casualties, that there would have been battles and that it is one thing to maintain the separation of the parties and the peace, but another to go after the war criminals.

I wonder if there is sound evidence that, given the problem as described, economic sanctions are likely to lead to the political parties, as Ms. Woodward has described, coughing up the war criminals.

In other words, it appears to me conceivable that this might occur in the fullness of time, but that in any reasonable timeframe, given the emotions and nationalistic fervor it is unlikely to take place given the authorities that have been elected.

So I simply ask you for your judgment again with regard to the war criminals. First of all, how important is this, if there is a risk of casualties and fighting that we go after them? Second, is it possible that you could separate that issue from the economic assistance because we have heard testimony from Mr. Kornblum and Mr. Holbrooke that, without there being some economic revival, the building of this fabric of country/state may not happen?

In other words, if you keep that in the distance, with people that are uncooperative, you may achieve a dissolution in the process of trying to make your point with economic sanctions.

Mr. FOX. I would say a couple of things, Mr. Chairman. One of the international financial institution officials who had helped considerably to raise the \$5 billion package for Bosnia made the comment recently that ousting the war criminals is probably the most important thing he could think of for facilitating the economic

package, its real implementation; that there is such a strangle-hold on real movement in Republika Srpska on that front that they have been reduced to that conclusion themselves. Certainly it is not where these institutions started out a year ago.

I think the reason that so many of us in the nongovernmental sector believe that the apprehension of war criminals is central is that we see every day evidence that at the local level people do want to cooperate, do want to live side by side, and that when these efforts are pursued, they are thwarted from a higher level. They are thwarted as a matter of policy. It is in the interest of the same people who caused so much of the ethnic cleansing to maintain monoethnic parties and states. They are doing rather well out of it politically and they are doing rather well out of it personally, materially as well.

These are not the forces that would favor economic reform, that would favor political reform, or that would even really come to any kind of economic cooperation longer-term.

The pivot on this issue, however, I believe, is really in Zagreb and Belgrade, and those are the places to apply the pressure. I think we need to try both. I don't think we have tried either seriously.

It is not so much economic sanctions as it would be invoking the cut-off—in other words, instructing the administration, which is required by the law which Congress passed and the President signed, the Foreign Assistance Act, to instruct the executive directors at the IMF and the World Bank to cease cooperation and to block access to resources for Croatia if there is evidence that they are harboring war criminals, and there is certainly evidence of this. They claim the Bosnian-Croat indicted criminals as their own citizens as a matter of legality.

Likewise, with respect to Serbia, which is not yet readmitted to the IMF, there is a very lively debate within, for example, the general staff in Serbia about whether they should turn over, whether they should give up their fellows, so I'm told. There is a pretty even split, apparently, about whether to do that. There is a very pragmatic group that says well, we don't have much choice because Milosevic controls our purse strings. Then there is another group, of course, that says well, no, no, that would be an affront to military honor.

I think this is a closer run thing than we believe, and I think there is leverage. It is clear that Croatia is still on something of a life support system to the international community and will be for some time, and that Serbia would like to get on that life support system.

Ms. PAUL. Mr. Chairman, may I respond as well?

Senator LUGAR. Certainly.

Ms. PAUL. Thank you. I just wanted to refer to an interesting study that was conducted by the International Crisis Group in Sarajevo in which they concluded there was actually not much evidence at all that a significant military response would be mounted, in fact, by the Bosnian Serbs should there be an arrest of, for example, General Mladic or Radovan Karadzic. There may well be civil violence, but I think that we have to consider the fact that IFOR has a very strong intelligence capability, that they can ar-

range for apprehension of certain persons based on opportunity and on the intelligence they have gathered in the field, and they need to analyze what the likely response might be and then take security precautions, just as they did when they had to push to gain access to the military facility at Han Pjezatka near Pale.

So there is not a lot of evidence, at least that we have seen, that there are any kind of plans for some sort of robust response by the Bosnian Serbs should there be arrests.

Further, there are other war criminals who are not so involved in either the military or political process at this point and certainly could be apprehended without much reaction at all. I am referring here, for example, to Dario Kordic and Eviza Rajic on the Croat side. I certainly would agree with John's comments about pressure needing to be put on Milosevic and Tudjman.

Also, I had an interesting conversation in Sarajevo one day with one of Admiral Smith's top level American advisors. This was back in March. I asked him how many bodyguards would you suspect are traveling around with Mladic these days or with Karadzic. He said oh, I don't know, usually six or seven, something like that, when they move around. I asked do you fear a strong military response if they you should nab, for example, Karadzic, and he said no, not at all; but, frankly, it is not worth one American life to do this, to accomplish this.

We certainly are not anxious to see Americans come home in body bags. My father was a battalion commander in Vietnam and this is an issue that I am very sensitive to. But in discussions with him and with a lot of other professional soldiers, they feel that justice is a very important component of peace, and they are, in fact, willing to put themselves on the line for this concept of international justice.

So I think we need to challenge IFOR and challenge the administration to come up with really good evidence that there would be severe repercussions to attempts to arrest criminals.

Senator LUGAR. Thank you. Could you make available to the committee a copy of the report that you cited about the military difficulties of apprehension?

Ms. PAUL. Yes.

Senator LUGAR. That would be very interesting.

[The information referred to follows:]

ATTITUDES TO AND POTENTIAL CONSEQUENCES OF THE ARREST OF RADOVAN KARADZIC

In recent months many "spontaneous" rallies in support of Radovan Karadzic and Ratko Mladic have been held throughout Republika Srpska. The degree of spontaneity is, of course, minimal. It is easy to "rent a mob" in Republika Srpska and Karadzic will continue to do this as long as he maintains his hold on power, whether formally or merely behind the scenes. The television, too, is backing him and Ratko Mladic to the hilt with phone-ins such as Sto Vi Kazete? (What Do You Have to Say?) swamped by messages of support for Republika Srpska's embattled leadership.

The Pale clique is clearly using every means at its disposal to paint the International War Crimes Tribunal as a partisan body and designed for no other purpose than to criminalise Serbs. If Karadzic and/or Mladic were somehow captured, the Pale clique is forever implying or threatening via the media that the consequences would be disastrous. Serbs are warriors who do not sacrifice their leaders and will fight against all odds if necessary. It is the same sort of rhetoric which was used throughout the war to dissuade the international community from intervention.

Interestingly, much of the opposition within Republika Srpska is also opposed to the arrest of Radovan Karadzic. This is for two reasons. Firstly, even the opposition

believes that the War Crimes Tribunal is partial and only concerned with prosecuting Serbs. While they agree that Karadzic is a war criminal, they insist that if he is to be tried then so should both Alija Izetbegovic and Franjo Tudjman. Moreover, they believe that he should first be tried by Serbs within Republika Srpska and only then handed over to The Hague. Secondly, the opposition argues that arresting Karadzic would only turn him into a martyr—a status which he does not merit—and could therefore prove counter-productive to the opposition in the forthcoming elections.

Most of the opposition doubts whether Milosevic is prepared to hand Karadzic over, given his own position in Republika Srpska. They also doubt whether Karadzic would ever hand himself over. The dissenting voice among senior opposition figures is Miroslav Dodik. He, his party the Independent Social Democrats and his newspaper *Nezvisne Novine* argue that the implicit threats of violence from Pale if Karadzic were to be arrested are just hot air. They believe that as soon as Karadzic is removed from the scene he will no longer be able to manipulate the masses and his star will wane rapidly. However, they consider it a mistake that Karadzic was not removed earlier since the election is now just three months away. The closer his arrest is to polling day the more likely that the rest of the Pale clique will reap electoral benefit.

IFOR are of the view that factions in the Bosnian Serb military would undertake terrorist actions in the event of the arrest of Karadzic or Mladic. Moreover, they fear a protracted guerrilla war and the collapse of the Dayton Agreement if they move against either man.

The debate over the arrest of Karadzic and Mladic mirrors that over intervention against the Bosnian Serbs during the war. In both cases the Pale clique has used threats and bravado to persuade the international community to back off. And in general the international community has acquiesced. However, on the very few occasions when the international community called Pales bluff and took resolute action against the Bosnian Serbs, such as last year's Nato bombings, the results have been spectacular and led to diplomatic breakthroughs.

It is difficult to see how Pale might use violence, apart from hostage-taking and minor acts of terrorism, against IFOR or the international community in Republika Srpska in the event of Radovan Karadzic's arrest. The Bosnian Serb armed forces have largely been demobilized and last year's NATO bombing is fresh in minds. While hostage-taking is clearly a possibility, it is not in the interests of the rest of the Pale leadership to further exacerbate the situation, since they still have a lot to lose. The ultimate trump card which the international community wields over Republika Srpska is the fate of Brcko. The fate of this divided Serb/Croat-Muslim town joining north-western and south-eastern Republika Srpska is to be decided by international arbitration. Without Brcko Republika Srpska is effectively sunk.

Pale will not all of a sudden stop cooperating with the international community in the implementation of the Dayton Agreement in the event of Karadzic's arrest, because Pale has not been cooperating with the international community to date. Expulsions of non-Serbs are continuing and there is, for example, no freedom of movement between the two entities so that whenever refugees attempt to return home to Republika Srpska "spontaneous" gatherings of Serbs keep them out.

The only way that Pale would definitely be able to scupper international plans for Bosnia-Herzegovina is by refusing to organize the September elections. While the Organization of Security and Cooperation is overseeing the elections, local electoral commissions are responsible for organizing polling. The withdrawal of their labor (as originally in east Mostar) would make it impossible to hold elections. That said, the electoral commissions in Bosniak-controlled federation territory may withdraw their labor if Karadzic is not arrested before elections as a matter of principle.

While in an ideal world Karadzic would either give himself up to the War Crimes Tribunal or Milosevic would hand him over, this is not likely to happen. The soft approach has already been tried and it has failed. Moreover, just because many Serbs in Republika Srpska are opposed to Karadzic's arrest and claim that it will only serve to further alienate Serbs from the international community, is not sufficient reason to leave him at liberty. Serbs will remain alienated as long as the current Bosnian Serb leadership is in power, since it is not in the Pale authorities' interest to have it any other way.

PROSPECTS IF KARADZIC WERE TO LEAVE OFFICE YET REMAIN IN REPUBLIKA SRPSKA

If Karadzic were to step down and be replaced by, say, Biljana Plavsic, remarkably little would actually change. The rest of the Pale clique would remain in power and continue to dominate life in Republika Srpska controlling all aspects of society. At the same time, Karadzic could remain an influential player behind the scenes.

All of the current leadership of Republika Srpska are as compromised as Karadzic and must be considered as a whole. They will not feel under any pressure to behave in a more compromising way until they see that the international community is serious about removing the likes of Karadzic.

Senator LUGAR. Ms. Woodward, you raise an interesting concept that, following the elections, the donors of economic assistance or capital must now go through political parties. The reference has been made that the parties will come together, but in a generic sense apparently referring to factions in the country. But, as you have pointed out, developments are much more specific. People have now voted and have elected people with political parties. Furthermore, the police are not necessarily working for the whole community. They are under the specific control of the political parties. That is what democracy finally means. People are elected, they are legitimized, and they have, then, authority.

And many of these people, as we have discovered earlier in the hearing, have strongly nationalistic and separatist views, and some may even have war criminal backgrounds. So it is not a promising picture.

Now in the event that economic assistance is to occur, who are the people or groups that might administer this or might get the economy going? In other words, absent the specific legitimate authorities, the three presidents, the legislatures, and their designees, who is there in the event the world community wants the openness of roads, the resurrection of buildings, cities, and so forth, to do this work?

Ms. WOODWARD. I'm glad you picked this up because I think it is the most difficult, and it is difficult beyond Bosnia in a way that we do not want to confront—namely, all of the organizations that we have set up to do these tasks, like the World Bank, the International Monetary Fund, the European Bank, and so forth, do not know how to work—their boards of directors, in fact, will not allow them to work—except through counterparts who are officially responsible for repaying the loans that are given to them.

So it is a very serious problem. I think we have to deal with it in Bosnia, as we are dealing with the reform of NATO, and we have to find ways to give monies to responsible authorities in the general sense but not in the specific sense. I do not have many specific ideas about that myself at the moment.

But I do think that we see, for example, in some of the recommendations that John Fox has already made, that in other countries we have been able to loan, to direct foreign investment, that could be somehow guided. We can spend more money on civil society organizations, women's groups who get cooperatives going, small banks, and so forth, as we have seen, for example, in Third World countries, where we have been very successful. It is not the same context in Bosnia, but the same kinds of needs, and getting small scale credit to firms to employ people would be a very good idea.

I do think that we have to recognize that, at the moment, namely from now until the next elections in 1998, the 3 political leaders and their political parties that dominate as a result of the September elections, will continue to act as they have since November 1990, which is a very explicit agreement—this is the form of co-

operation we heard about—a very explicit agreement to divide and rule Bosnia, including distributing funds proportionally among them and distributing monies to their own organizations.

The second point I would like to make is in a sense a response to the question about sanctions. I agree with you completely in your allusion, that this is probably counterproductive, to try to get at war criminals, indicted war criminals, through the mechanisms of economic sanctions. All that will do, as we have seen, for example, in Serbia, is to reinforce the power of the political leaders who are the nationalists, who want separate states, and deprive the resources that need to go in to those people who have an opposition voice, who have their own interests, the business people through-out.

I think we have seen, for example, even in South Africa, what sanctions did. What did sanctions do? They strengthened the white business elite that prolonged apartheid longer than it might otherwise have done.

The third point, I suppose, is to say that we might also see that a way of getting around this problem of donors giving to governments and, therefore, their maintaining control of the situation, is to support more than we already have the noneconomic sources of independence on the part of individuals, some of the human rights monitoring organizations that would be locally funded and not imposed from the outside, that would feel that they could begin safely to keep records of abuses, as we have seen in Kosovo. I'm talking about the human rights groups that get organized—the women's groups, the small, now media centered groups. There are lots of independent journalists who want funding and need funding. That has been blocked at the level where you have to ask the government, as we saw with President Izetbegovic's regime before the elections in September, when you have to ask the government for permission to use a frequency, because those are internationally distributed by governments. But if you could, get support to local newspapers and a whole range of things.

I can see an indirect way of getting more information, more funds to local activity that would employ people independently of the international employment and that would feed this process further,

Senator LUGAR. Senator Pell, do you have questions?

Senator PELL. Yes, I have one, and that is concerning the Commission on Human Rights. I detected some concern among the panel with their work. I would have thought they were doing an excellent job.

What is your feeling?

Ms. PAUL. One of our concerns, Senator, is that human rights monitoring organizations in the field, including the U.N. Center for Human Rights, which comes under the Commission, as well as a human rights ombudsman's office, are doing quite a bit of monitoring and reporting, but there is actually not very much intervention going on. What I am referring to is not only taking cases before the court and pushing them from a legal sense and working with the legal system, but intervening in very practical ways at the field level to try to stop evictions before they happen, for example, or to try to advocate for persons who are at risk.

So while I think the international organizations presently are doing a very good job in documenting the abuses—and we have a good picture now about what is going on at the field level—that is simply not enough of a response. So we would like to see a more involved, proactive response by these organizations in addition to the reporting.

Senator PELL. Thank you. Ms. Woodward?

Ms. WOODWARD. The one thing I can add is this. Although I agree with Diane Paul that it has gone not very far because everything in a sense was on hold until the elections, and now we have a problem of political control, nonetheless, in the workings of the International Police Task Force not to change a mandate, because there is not a political will externally to do that, but within the current mandate there is a lot more effort now to develop organizationally and to increase the resources that they are now getting to assist in human rights monitoring at the local level. I think that is a good thing.

But we do need, I think, much more support, not just for the issue of indicted war criminals, which has its own purpose internationally, separate from Bosnia, that is important, but to put more effort on public support for those people, the independent judges, the human rights groups and so forth, who are willing to stand up—on all sides. This is particularly important in the Serb areas, though, because we continue to criticize them so much, they feel completely abandoned, the alternative voices, completely abandoned by the international community and, therefore, are very insecure. But on all sides, I think if we give more publicity to these people and support, that would be a good thing.

Senator PELL. Mr. Fox?

Mr. FOX. Yes, and I would attach, again, the issue of resources. I think the U.S. has been fairly limited in what is normally its traditional support for NGOs going in and doing the kind of intervention that is spoken of here and developing local counterparts.

There has been plenty of monitoring and not nearly enough local capacity building, as we would say. That is a question, I think, of rearranging the assistance package, which badly needs a review. As has been suggested here, 95 percent of that is going through the central authorities or is subject to their sign-off, including private sector loans, which is a new one in Eastern Europe, because traditionally governments were avoided on these issues through the Enterprise Funds and other mechanisms.

We have explicitly avoided the practice that we followed in most of the other transition countries on both economic and I would say nongovernmental assistance in Bosnia, and it is high time for that to change.

Senator PELL. I had always understood that the International Committee of the Red Cross has done an excellent job in this field. Have you come across it in your work?

Ms. PAUL. Yes, and I think they do an excellent job. They often work very quietly, behind the scenes, as they must, according to their mandate. I know, however, that they have a lot of concern about the issue of missing persons, that that issue still remains a very strong concern, as well as the detention of persons. In fact, we have information that there are some Bosnian Serbs currently held

in prison in Croatia. It is not a large number. However, this is really in direct violation of international law and also is a way for Croatia to get around the Dayton Agreement's requirement to release all prisoners.

The ICRC, the International Committee, does have access to these prisoners, but there is not a lot that is known about them to the general public. They should have been unconditionally released at the signing of the Dayton Agreement. So the fact that they are still being held by Croatia is a serious violation of the accords.

Senator PELL. Thank you. Ms. Woodward?

Ms. WOODWARD. Yes, I agree with that. I think the important point is that they do work quietly. On the other hand, their task, again, is an international task, and they do not have resources to develop local capacity, which is, I think, something that we would need to take more time to focus on in support of them.

Senator PELL. Mr. Fox?

Mr. FOX. The humanitarian groups and NGO's that have been on the ground for several years, many of them have very interesting projects and ideas about next steps, next generation activities, which would make a lot of sense, and not nearly enough attention was paid to them and not enough resources went through them for the projects under Dayton. I think we ought to go back to some of them because they still have the best knowledge and capacity on the ground.

Senator PELL. Thank you very much.

I have no further questions.

Senator LUGAR. Thank you very much, Senator Pell.

The Chair would like to include a statement in the record by Mr. Neil Jay Kritz, Senior Scholar on the Rule of Law of the United States Institute of Peace, which was submitted for this hearing.

[The prepared statement of Mr. Kritz follows:]

PREPARED STATEMENT OF NEIL J. KRITZ

Mr. Chairman and members of the Committee: Thank you for the opportunity to provide this statement to the Committee on the subject of justice and reconciliation in post-election Bosnia. I wish to note at the outset, that the views expressed herein are my own and do not necessarily deflect those of the United States Institute of Peace.

Within the Institute's Rule of Law Initiative, we have undertaken a comprehensive study of the options for addressing the legacy of large-scale abuses in the transition from civil war or from a repressive regime. In a three-volume study published by USIP last year and in subsequent work, we have examined the experience of some forty countries in dealing with this problem over the past half-century. We have responded to requests for assistance or information from more than a dozen countries currently grappling with this issue. We are currently attempting to apply the lessons of this collective experience to post-war Bosnia.

If the goal in Bosnia is something more than a tenuous and temporary pause in the violence, dealing in a clear and determined manner with war crimes and crimes against humanity is essential. To assume that individuals and groups who have been the victims of hideous atrocities will simply forget about them or expunge their feelings about them without some form of reckoning, some semblance of justice for these abuses, is to misunderstand human psychology and to leave in place the seeds for future conflict. What is true of individuals emerging from massive abuse and trauma is no less true of nations: mechanisms are needed to confront and reckon with that past, facilitating closure rather than repression. Otherwise, the past can be expected to haunt and infect the present and future. After the atrocities that have been committed during the war in the former Yugoslavia, victims harbor deep resentments that, if not addressed through a process of justice, may well ultimately

be dealt with through one of vengeance. Dealing with the grievances and the grieving, the accountability and the forgiveness, the rehabilitation of victims and perpetrators, will be a painful and delicate process which will take time—certainly longer than the year for which American troops have been committed. But it is a necessary process to avoid new cycles of ethnic violence. Time and again, combatants on all sides of the conflict have explained this terrible war by pointing to wrongs inflicted earlier in history for which there had been no redress, some going back as many as seven centuries.

The approach taken to accountability for mass atrocities may be relevant beyond the borders of the country in question; it may also have grave consequences for future, seemingly unrelated conflicts in other parts of the world. When asked whether he was concerned about the international community holding him accountable for his diabolical campaign of genocide, Adolph Hitler infamously scoffed, “who remembers the Armenians?” referring to the victims of a genocide only twenty-five years earlier for which no one had been brought to book. In pursuing their campaign of ethnic cleansing and genocide, Bosnian Serb leaders were asked the same question during the conflict, and more than once pointed to the fact that the Khmer Rouge leadership has never been prosecuted or punished for the atrocities they committed in Cambodia in the 1970s.

An effective policy with respect to the legacy of wartime abuses requires a comprehensive approach which integrates several aspects of the post-war reconstruction effort. Maximum accountability for every offender would surely undermine the fragile peace, but so will any attempt to ignore or repress this troubled past. A key to reconciliation will be to explore the range of options in between these two extremes. In Spain following the death of Franco, both sides fully acknowledged their sins (no one has done so in Bosnia) and then granted each other a mutual amnesty. In Greece, hundreds of soldiers and officers were prosecuted for torture of former prisoners. In South Africa, amnesty is being granted on a case-by-case basis to those on both sides of the conflict who committed abuses, but only after the individual offender applies for that amnesty and provides a detailed confession of their crimes. In countries like Chile and El Salvador, “truth commissions” have produced a national historical accounting as a form of justice. In the Czech Republic, Lithuania and post-communist Germany, administrative purges have temporarily removed those affiliated with past abuses from positions in the public sector. Efforts at justice in many countries has also (or alternatively) involved a focus on the recognition and rehabilitation of victims. In exploring with Bosnian officials and private sector leaders the range of options and mechanisms available, USIP is attempting to help them explore that mix which will best contribute to justice and reconciliation in their country.

Criminal Justice

War crimes prosecutions can serve several functions in this context. They provide victims with a sense of justice and catharsis—a sense that their grievances have been addressed and can more easily be put to rest, rather than smoldering in anticipation of the next round of conflict. They can also establish a new dynamic in society, an understanding that aggressors and those who attempt to abuse the rights of others will henceforth be held accountable. Perhaps most importantly for purposes of long-term reconciliation, the use of criminal trials makes the statement that specific individuals—not entire ethnic or religious or political groups—committed atrocities for which they need to be held accountable. In so doing, it rejects the dangerous culture of collective guilt and retribution which often produces further cycles of resentment and violence.

The International Criminal Tribunal established for the former Yugoslavia obviously needs to play a central role in this effort. The United Nations Security Council established the tribunal in the explicit belief that accountability would “contribute to the restoration and maintenance of peace.” If allowed to be fully effective, the tribunal can demonstrate that the international community will not tolerate the kind of atrocities perpetrated in the Bosnian war. To date, the tribunal’s mixed results reflect the ambiguity of international policy on this question. The tribunal must rely on other arms of the international community in Bosnia—including IFOR—to apprehend those whom it has indicted and for whom it has issued international arrest warrants, including senior officials like Radovan Karadzic and Ratko Mladic. By repeatedly refusing to do so, the international community is spending a substantial amount of money on the tribunal only to convey the message to the perpetrators of war crimes that they needn’t worry about being held accountable for past-or future-atrocities. The message to the victims is that they will only get justice if they do it on their own, enhancing their already-pronounced sense of international isolation. The various multinational military, police and civilian institutions involved in

the implementation of the Dayton accords need to begin speaking and acting in a unified fashion to render the tribunal process an effective one.

The importance of support for the tribunal's work cannot be overemphasized. That said, the vital role played by the tribunal should be understood in a wider context. For reasons of both practicality and sound policy, even if the tribunal is extremely successful, it will only process a limited number of cases—probably a maximum of 50 to 75 trials, if that many. (By way of comparison, the authorities at Nuremberg faced a similar dilemma in determining how widely to their relatively much more substantial resources. At peak staffing in 1947, the Nuremberg proceedings employed the services of nearly 900 allied employees and about an equal number of Germans. Even with such a large-scale and costly operation, the Nuremberg trials ultimately involved the prosecution of 200 defendants, grouped into thirteen cases and lasting four years.) As a consequence, the cases of thousands of war criminals—Bosnian Serbs, Croats and Muslims—and tens of thousands of their victims will not be addressed by the international tribunal, and reconciliation requires that Bosnian society come to terms in some fashion with this legacy and these people. My own recent discussions with Bosnian authorities from each of the three ethnic groups indicate that they collectively claim at least 25,000 war crimes cases and regard some 5,000 to 8,000 of these as appropriate for prosecution. This dimension of the problem has received surprisingly little attention in the Western policy community, but how Bosnian society handles the issue will have significant consequences for the viability of both peace and democracy.

Beyond the simple reality of numbers, experience from other countries suggests that the domestic component of this accountability process warrants attention and support for other reasons. Where the process is completely organized and conducted by outsiders, it becomes very easy for local leaders to disown the process and to distance themselves from politically sensitive conclusions regarding the acts of their respective constituencies. Domestic authorities and local communities need to feel a sense of attachment, ownership and investment in the exercise of reckoning with past abuses if domestic society is to integrate the lessons of that exercise.

In several instances ranging from Nuremberg to Argentina to Ethiopia to Rwanda, given the large number of potential defendants and the risk of further destabilization involved in attempting to detain and prosecute them all, an effort has been made to distinguish various categories of culpability and design different approaches for each. Roughly, these classifications break down into (a) the leaders, those who gave the orders to commit war crimes, and those who actually carried out the worst offenses (inevitably the smallest category numerically); (b) those who perpetrated abuses not rising to the first category; and (c) those whose offenses were minimal. The severity of treatment then follows accordingly.

The Dayton agreement lends itself to this approach. In the first category, the parties have committed themselves to provide full cooperation and assistance to the international tribunal established to prosecute those who have perpetrated the most heinous offenses, i.e., genocide, war crimes, and crimes against humanity. The accords also prohibit any individuals indicted by the tribunal from holding public office. In the second tier of culpability, the agreement characterizes as a "confidence-building measure" the obligation to immediately undertake "the prosecution, dismissal or transfer, as appropriate, of persons in military, paramilitary, and police forces, and other public servants, responsible for serious violations of the basic rights of persons belonging to ethnic or minority groups." How secure will a community member feel if the local police include the very criminals who last year tortured his son or gang-raped his wife? What confidence can returning refugees be expected to have in the new order if the current mayor personally helped torch their homes in the campaign of ethnic cleansing? At the third level, for the largest category, it is reasonable to suggest that former adversaries let bygones be bygones and that they focus instead on building a better today and tomorrow. The Dayton agreement commits each of the parties to grant a full amnesty to all returning refugees and displaced persons charged with any crime related to the conflict—so long as it was not a "serious violation of international humanitarian law." This concept of categorization of levels of culpability has not been defined or applied yet in the Bosnian context. This is one area in which the experience of other nations will be particularly instructive.

On the question of prosecution, it should be noted that the Bosnian Muslims, clearly the principal victims in the conflict, have not surprisingly also been the most aggressive and best organized with respect to the documentation of war crimes committed against their people and the establishment of institutional structures to address the same. A system of six special judicial panels has been created around the country to handle only war crimes and genocide cases. Selected prosecutors are working exclusively on these cases. To date, Serbs and Croats have not established

such structures. An investigating judge assigned to just one of these special Federation panels informed me that he personally had already been referred nearly 500 cases for examination.

Within all three ethnic groups in Bosnia, one detects an extremely strong sense of victimization and a parallel reticence to acknowledge any abuses committed by members of one's own ethnic group. Innocents on each side have been the objects of crimes against humanity. Authorities on each side will be more willing to engage in such acknowledgement to the extent that their own status as a victim of atrocities is also recognized by others. This has been evident in certain recent steps by Bosnian Serb and Croat authorities to cooperate with the international tribunal and provide it somewhat improved access to information which might implicate abuses committed by some of their own people, at least partly in order to facilitate the tribunal's investigation of crimes perpetrated against members of their respective ethnic group. A process of mutual acknowledgement will be an important step towards reconciliation.

Ensuring that domestic prosecutions make a positive contribution to a feeling of justice or reconciliation relates to one of the necessary elements of the reconstruction effort in Bosnia: the need to provide substantial assistance to ensure the credibility and viability of the criminal justice system. Without such aid—equipment, technical assistance, training programs—the courts will not have the capacity to carry out this task in a credible fashion, and war crimes trials will run the increased risk of looking like show trials and retribution rather than dying people a sense of security that in the new Bosnia, the rule of law will matter. If done well, the trials will be an important way of establishing the courts as a fair and non-violent forum for the redress of future grievances—the kind of institution so badly needed in Bosnia.

Given the degree of separation between the three ethnic groups which remains today, and particularly the division between the Federation of Bosnia-Herzegovina and the Serb Republic, some authorities have raised the prospect of courts on one side of the line conducting hundreds or thousands of trials *in absentia* for abuses committed by those on the other side. Rather than contributing to reconciliation or justice, this would arguably have negative consequences for both goals and should strongly be discouraged.

Non-Criminal Sanctions

As noted above, dealing with the aftermath of wartime atrocities is hardly limited to the realm of criminal prosecution. In several countries, an important non-criminal sanction is the exclusion of those who have committed abuses from selected positions with society. The Dayton agreement correctly provides not only for trials but also for "dismissal or transfer, as appropriate, of persons in military, paramilitary, and police forces, and other public servants, responsible for serious violations of the basic rights of persons belonging to ethnic or minority groups." This need not be permanent; in some countries in transition, for example, it has taken the form of a five- or ten-year "cooling off" period.

Beyond the obvious need to exclude known war criminals from key positions of political leadership, the sector of Bosnian society for which this exclusion is most pertinent is arguably the police forces. In any part of Bosnia, one may find an individual police officer who functions as a model officer, respecting individual rights and adhering to professional standards in a town today completely populated by members of his own ethnic group. The same police officer may have committed abominable misdeeds in participating in the ethnic cleansing of that town during the war. The lack of clarity in Western policy towards the ethnic partition or unification of Bosnia, and towards accountability for war crimes, complicates this case and hundreds like it. If partition into ethnic endaves is an acceptable outcome, then this police officer can be left on the force. On the other hand, if reunification and reintegration of the community is the policy goal, then the opposite is true. Refugees will be far less likely to return home if the cop on their block is the same individual who committed atrocities against them during the conflict. This problem was demonstrated during the recent elections, as the justifiable fear of police officers in certain locations inhibited the return of internally displaced persons to their home communities to vote.

Addressing the Needs of Victims

A comprehensive approach to the problem of justice and reconciliation should focus not only on the imposition of penalties on the perpetrators of abuses, but also on addressing the harms suffered by victims. In various countries, this has entailed the structuring of a balanced accounting of past abuses and/or the compensation of victims. As noted earlier, several countries have achieved an accounting through the

use of a "truth commission" or commission of inquiry—typically a official entity, with membership representative of the various factions, of limited duration, with the mandate to objectively establish the facts of past abuses, their sources and recommendations for prevention of their recurrence. These commissions also often provide an outlet for victims, giving them an opportunity to be heard in an official forum and make their suffering and that of their relatives part of the official national record. The Dayton agreement provides for establishment of a related commission of inquiry into "the causes, conduct and consequences of the recent conflict," which could serve much of the same function, but it now appears unlikely that such a commission will actually be created.

In the aftermath of the Bosnian war, perhaps the most important form of accounting which would grant some degree of relief and closure to victims is an accounting for the missing. As of August, the International Committee of the Red Cross had received approximately 14,000 tracing requests from families in search of their relatives. In nearly all cases, the person is presumed dead, but no information is available.

Under the auspices of the High Representative, an experts group on missing persons has been convened. An agreement was recently reached to create a new joint expert commission comprised of three Muslims, two Serbs and two Croats, to be chaired by a representative of the Boston-based Physicians for Human Rights. In addition, the White House this summer announced the formation of an international Blue-Ribbon Commission on the Missing in the former Yugoslavia.

Location and identification of the missing, however, is an expensive and time-consuming process. Some senior international officials in the High Representative's office and elsewhere have suggested that the location, exhumation and identification of missing persons is a task which should most appropriately be undertaken by the parties to the conflict; as a consequence, they argue, it should be the role of the parties, rather than the international community, to pay for this effort. Others assign this project a low priority, arguing that scarce international resources available for Bosnia should better be spent on the living than on the dead. This is arguably a short-sighted point of view. This is an issue which affects all sides to the conflict; according to one senior Serb official interviewed in Pale, there is only one solution that will be acceptable to relatives of the missing: to locate them, identify them and provide them a proper reburial.

Identification of the missing is not a focus on the dead; it is an important effort to enable the living to achieve some closure and acceptance and move on to the future. This effort warrants greater attention and the provision of foreign resources.

On the question of compensation of victims, the primary instrument in the post-Dayton and post-election scenario is the Commission for Displaced Persons and Refugees provided for by Dayton. This commission will play a vital role in determining the ability of thousands of displaced persons to either return to their homes or to receive alternative parcels of property or compensation instead. Again, this aspect of the peace process is both necessary for reconciliation and the recipient of insufficient attention by the international community.

Conclusion

As part of its own contribution to the Bosnian effort to deal with these complex issues of justice and reconciliation, the United States Institute of Peace will convene a discussion later this year which will bring together key individuals from all three Bosnian ethnic groups who are involved with various aspects of this problem. We will assemble at this meeting selected experts who have developed their own unique approaches to the same issues in other countries.

In summation, it is respectfully suggested that the process of justice and reconciliation will require the following:

- increased political support for the International Criminal Tribunal, including the apprehension of those indicted by the tribunal;
- increased assistance for the local criminal justice system and close monitoring of the fairness of domestic war crimes trials;
- the screening and exclusion of those implicated in atrocities from key positions, particularly in the reconstituted police forces;
- support for the effort to locate and identify the missing; and
- an acceleration in effort to make the Commission for Displaced Persons and Refugees fully operational.

Thank you again for the opportunity to share these views with the Committee.

Senator LUGAR. I want to thank again our witnesses for returning and offering very, very insightful comments that I think are

tremendously helpful in our public policy. Also, as a personal privilege, I would like to thank Senator Pell again for staying on the job right to the end.

Conceivably, Senator Pell, the Senate will not adjourn as rapidly as we thought and you may have more activity.

Senator PELL. And I would welcome it.

Senator LUGAR. In any event, it is good to have you here.

This hearing is adjourned.

[Whereupon, at 12:34 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]

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